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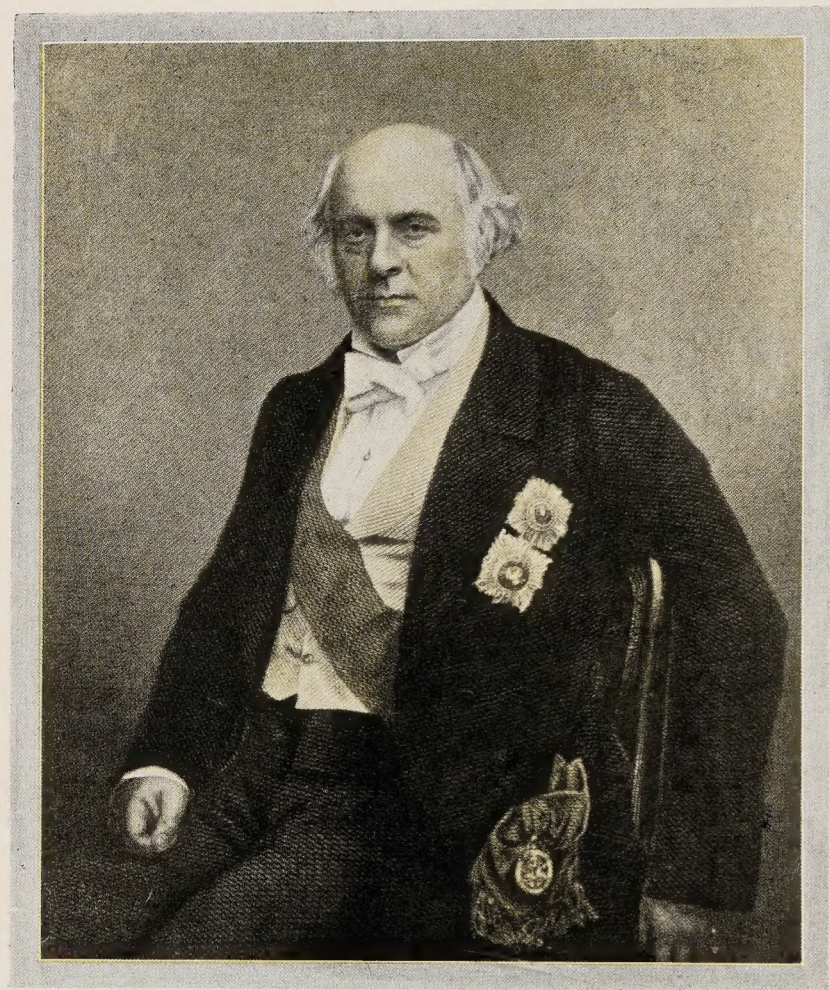
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LORD ELGIN



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LORD ELGIN

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THE MAKERS OF CANADA SERIES

Anniversary Edition

LORD ELGIN

BY

W. P. M. KENNEDY

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LONDON AND TORONTO
OXFORD UNIVERSITY PRESS

1926

F5076.E41K4

Anniversary Edition

LORD ELGIN

W. E. M. KENNEDY

LONDON AND TORONTO
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PRINTED IN CANADA

PREFACE

THIS book has been written in the midst of many other engagements. I venture to hope, however, that it will present a general sketch of Lord Elgin's career sufficiently adequate in outline and sufficiently intimate in detail to bring into relief the principles and accomplishments of his life. I am quite conscious of many limitations and I only allow the book to go to press as a Pisgah view of an historical land flowing with milk and honey. Indeed, it may be that the very limitations under which I have written have saved me from making Elgin a text for a political history and that the man himself emerges all the more clearly and as far as possible from his own correspondence and dispatches.

I should like to thank the Oxford University Press and the *Edinburgh Review* for permission to use some material of which they own the copyright. To Professor J. L. Morison, Armstrong College, Newcastle-on-Tyne, I am indebted specially as to the greatest living authority on Lord Elgin. To Principal W. L. Grant, Upper Canada College, Toronto, I owe the sincerest thanks, and without his encouragement I should never have had the courage to undertake the book or to complete it.

ILLUSTRATIONS

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CHAPTER I

WHAT IS TO BECOME OF THE GOVERNOR-GENERAL?

THE great harvest of reform which Lord Durham reaped in spirit from the blood-stained fields of Canada was but slowly garnered. Lord Sydenham, who carried out the union of Upper and Lower Canada, had little belief in its virtue, and he did practically nothing to save the rich increase. On the other hand, his business acumen and profound common-sense served as steadying influences between the lean years of the political past and the hopes—often uncritical in their exaggeration—in Durham's husbandry. To Sir Charles Bagot, Sydenham's successor, fell the lot of beginning the harvest-home. The barns were made ready, French and English were working amicably in the fields and the future seemed secure when death called Bagot from the scene. With the advent of Sir Charles (afterwards Lord) Metcalfe, the political weather broke, and before he left the Canadas it was problematical if anything could be saved out of the storm. It is Lord Elgin's great achievement in Canadian history that he saved not only enough of the harvest to stave off local famine, but, more wonder-

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ful still, enough to sow newer fields not only in Canada but in other parts of the empire. Any study then of Elgin's accomplishment must be prefaced with a broad view of Metcalfe's régime.

It is impossible to read Sir Charles Metcalfe's life or to study his dispatches without regretting that he came to Canada. It is true that in making the last attempt by a representative of the crown actually to govern, he proved the impossibility of doing so, but he hurt a magnificent reputation in the service of the empire. He stands among the foremost men in history in disinterested duty and in noble conceptions of responsibility. The "Metcalfe crisis" owed its origin to these virtues. He believed that the royal prerogative was in danger, and rather than betray a definite trust committed to him by his sovereign, he almost precipitated another rebellion which might have lost the Canadas to the empire to which the devotion of a life-time had been given. He had no desire to govern contrary to public opinion, or to act the petty tyrant or the arbitrary autocrat. He was willing to go as far as possible with Bagot's experiment. He regretted it and expressed his regret in clear-cut terms. If driven to its full logic, he could see only separation and independence ahead. He created a dilemma for himself—how to work responsible government in such a way as to secure governing powers of a real nature to the governor. There came a point in actual affairs

THE CHARACTER OF METCALFE

when a choice was forced upon him, and he made it deliberately and honestly because he believed that he could not surrender what he considered the patronage of the crown. He refused to accept the full implications of responsible government. He would not grant that there was a "cabinet" or a "ministry" in Canada, and he endured untold physical and mental suffering in sheer devotion to his duty as he saw it in order to hand over to his successor a colony to which he had taught a lesson on behalf of the crown's rights. [The issue was for him a moral one, and never for a moment did he deviate from the path of his duty. It is well that a consideration of his government in Canada should be prefaced with a tribute to his character. In the most trying moments when the noise of battle was deafening, when uncontrolled forces of invective were let loose in a rugged, ill-trained, uncultured and uncouth province, he never once forgot that the position which he filled demanded gentlemanly dignity. In the fierceness of the most bitter election in Canadian history and one in which he felt called on to take part, he did not descend for a moment to the levels of vulgar invective. There is not a malignant word in his dispatches, not a sharp innuendo in all his recorded writings. His political experience never hardened his kindly generous heart. It was an excellent object-lesson both for tactless friends and for unbridled foes to come into contact with a man

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who never allowed his official life to warp the private social amenities. In the darkest days, when even his terrible disease aroused hopes for his quick removal either by death or by resignation, he bore himself with calm courtesy and continued his wide and generous charity. His kindness was boundless and his goodwill knew neither friend nor foe. In the cold analysis of history, the man is liable to be obscured.] For Metcalfe reasserted the claim that the governor had the power to govern and could exercise it if he wished, that executive government depended not on public sanction but on his private favour. The claim was such a challenge to constitutional evolution that it has overshadowed all that was best in Metcalfe, leaving little place for that necessary consideration of circumstances which alone gives to historical judgments any validity.

His rigidity of mind and his previous training were undoubtedly handicaps in a government such as the Canadas. But he had another and perhaps graver defect for his new position, which at once appeared. His conception of the empire made him incapable of seeing things in their true character, and his devotion to the imperial idea was so much like that of an uncritical lover that it obscured his judgment and numbed his sense of political values. He was the greatest united empire loyalist in Canadian history. His loyalty, however, drove him to think of unity in terms of uniformity and

THE CANADIAN SITUATION

obscured differences and developments in the constitutional parts. He had scarcely been a week in the province before he was deploring the fact that he had not the same material to work on that he had in Jamaica, and when he contemplated the executive council and the house of assembly bequeathed to him by Bagot, he compared his task to that of a governor in India with a Mahomedan council and a Mahomedan popular chamber. He had no intention of submitting in a challenge: "I cannot . . . surrender the Queen's government into the hands of rebels and . . . become myself their ignominious tool. I know not what the end will be. The only thing certain is that I cannot yield."

Within a month, he had apparently weighed the Canadian situation in a balance with which he was most familiar, but which unfortunately was perhaps the most dangerous possible for the Canadas—that of loyalty to the mother country. To Metcalfe this meant the loyalty of childhood, and to the tory group it meant social status, privilege, places and patronage. He deplored that the "republicans" were in power and that he was "condemned . . . to carry on the government to the utter exclusion of those on whom the mother country might confidently rely in the hour of need." He saw no remedy "without setting at defiance the operation of responsible administration which has been introduced into this colony."

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If Metcalfe had not fallen already into the hands of "the family compact," it is only possible to conclude that Lord Stanley, the colonial secretary, had biassed his outlook. In trying to analyse public opinion, he was forced to believe that in the coercion of his predecessor party government had been set up. Bagot completed Sydenham's work: "the events were regarded by all parties in the country as establishing in full force the system of responsible government of which the practical execution had been before incomplete." As a result "the tone of the public voice regarding responsible government has been greatly exalted. The council are now spoken of by themselves and others generally as 'the ministers,' 'the administration,' 'the cabinet,' 'the government' and so forth. Their pretensions are according to this new nomenclature. They regard themselves as a responsible ministry and expect that the policy and conduct of the governor shall be subservient to their views and party purposes." Durham might theorize at leisure; Sydenham might play with an idea which for the greater part of his administration had no existence; Bagot might be forced into a position which he did not live to dispute,—“now comes the tug-of-war.” The governor saw that a struggle was inevitable and he formulated at once his own policy: "the general purpose which I purpose to pursue towards the council is to treat them with the confidence and cordiality due to the station

A GATHERING STORM

which they occupy; to consult them not only whenever the law or established usage requires that process, but also whenever the importance of the occasion recommends it, and whenever I conceive that the public service will be benefited by their aid and advice." He was prepared to treat his executive with more than constitutional confidence, but at the same time he was prepared to be on his guard "against their encroachments." He anticipated "a difference with them in their claim that the government shall be administered in subservience to their party views. They expect that the patronage shall be bestowed exclusively on members of their party." The storm soon began to gather, and the one vital question which kept ringing in Metcalfe's head was, "what was to become of the governor-general?" It is well to give in his own words his summary of conditions, before the storm of encroachments finally broke.

"I learn," he informed Stanley, "that my attempts to conciliate all parties are criminal in the eyes of the council . . . I am required to give myself up entirely to the council, to submit absolutely to their dictation, to have no judgment of my own, to bestow the patronage of the government exclusively on their partizans, to proscribe their opponents, and to make some public and unequivocal declaration of my adhesion to those conditions—including the complete nullification of her majesty's government. . . . Failing of sub-

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mission to these stipulations I am threatened with the resignation of Mr. LaFontaine for one, and both he and I are fully aware of the serious consequences likely to follow the execution of that menace, from the blindness with which the French-Canadian party follow their leader. . . . I need hardly say, that although I see the necessity for caution, I have no intention of tearing up her majesty's commission by submitting to the prescribed conditions. . . . The sole question is, to describe it without disguise, whether the governor shall be solely and completely a tool in the hands of the council, or whether he shall have any exercise of his own judgment in the administration of the government? Such a question has not come forward as a matter of discussion, but there is no doubt that the leader of the French party speaks the sentiments of others of his council besides himself. . . . As I cannot possibly adopt them, I must be prepared for the consequences of a rupture with the council, or at least the most influential portion of it. . . . I must expect it, for I cannot consent to be the tool of a party and to proscribe all those who defended their party in the hour of need against foreign invasion and internal rebellion. I am an advocate for entire forgetfulness of past offences against the state; but it is provoking to find that those who claim amnesty for rebels and brigands, with whom to a certain extent they sympathized, are inveterate in

CONDITIONS IN CANADA

their hostility to those who were faithful to their sovereign and country. . . . Government by a majority is the explanation of responsible government given by the leader in this movement, and government without a majority must be admitted to be ultimately impracticable. But the present question—and the one which is coming on for trial in my administration—is not whether the governor shall so conduct his government as to meet the wants and wishes of the people and obtain their suffrages by promoting their welfare and happiness, nor whether he shall be responsible for his measures to the people through their representatives, but whether he shall or shall not have a voice in his own council; whether he shall be at liberty to treat all her majesty's subjects with equal justice, or be a reluctant and passive tool in the hands of a party for the purpose of proscribing their opponents, those opponents being the portion of the community most attached to British connection, and the governor required to proscribe them, being a British governor. The tendency of this movement is to throw off the government of the mother country in internal affairs entirely—but to be maintained and supported at her expense, and to have all the advantages of connection as long as it may suit the majority of the people of Canada to endure it. This is a very intelligible and very convenient policy for a Canadian aiming at independence, but the part the representative of

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the mother country is required to perform in it is by no means fascinating."

It might be possible to dismiss this dispatch by saying that Metcalfe wrote it, but that MacNab conceived it, and unfortunately it has been so dismissed. On the other hand, there is a background of circumstances which will not permit such a cursory judgment. On his arrival in the province, Metcalfe was deluged with addresses which disclosed the existence of severe extremes. He was invited to resist the anti-British faction and to shew himself a constitutional governor by dismissing his council; or, he was solemnly but conscientiously enjoined to hold fast to Bagot's ministers—LaFontaine and Baldwin—lest worse things should come upon him. He believed before long that "the violence of party spirit" was so great that civil war was not improbable. His duty lay in quelling the spirit. He saw the council preparing an issue on the question of patronage. He believed honestly and perhaps with truth that they intended to use it for party ends. As all appointments were made in his name, he refused to become the unwilling patron of party, especially as it meant that "the loyal portion of the people" would not receive a share from "a rebel government." In addition, the handing over of all patronage to the executive council would rob him of what he considered the best available means at his disposal for crushing the threatening factions.

THE QUESTION OF PATRONAGE

"I wish," he wrote, "to make the patronage of the government conducive to the conciliation of all parties, by bringing into the public service the men of greatest merit and efficiency without any party distinction. My powers of usefulness . . . will be paralyzed by my being forced in any degree to act as the supporter of a party." He aimed to govern through an executive government whose support would rest on the votes of those whom his measures had made happy and contented; and he intended to distribute the patronage of the province in such a way that the recalcitrant citizens would keep quiet hoping for their turn. Pending the time when he had an executive and an assembly elected on the platform of "the governor and happiness," Metcalfe did not see that he was making himself a party leader against the majority of the province. Patronage was a royal prerogative. It could best be used in conjunction with popular wishes, but it must never be surrendered exclusively to party control, even though that control reflected the overwhelming wishes of the people.

Metcalfe determined to get the issues clear, and an interview between his civil secretary, Captain Higginson, and LaFontaine towards the close of May, 1843, was undoubtedly a *ballon d'essai*. The immediate question was that of an appointment to the vacant office of provincial aide-de-camp and was in itself of little importance or bearing. The significance lies in the fact that LaFontaine drew

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up an account of the interview, which is of the utmost importance in the light of future events. Higginson politely protested that he was acting in a private capacity—and he was doubtless formally correct—when he requested an opportunity to discuss the name of a certain officer and the general constitutional situation. He asked LaFontaine to explain what he meant by responsible government and its implications. LaFontaine informed him that it included the responsibility of the executive to the legislature for all acts of government and that when the legislature withdrew its confidence, the executive would resign, that he and his colleagues had taken office on that understanding. The situation then turned to the question of consultation or non-consultation among the cabinet in the exercise of patronage. LaFontaine pointed out that appointments to all offices were part of the responsibility owed by the entire executive to the legislature, and consultation was thus necessary; but the governor could accept or reject the nominations of his council: “his excellency not being bound, and it not being possible to bind him, to follow that advice, but, on the contrary, having a right to reject it; but in this latter case, if the members of the council did not choose to assume the responsibility of the act that the governor wished to perform contrary to their advice, they had the means of relieving themselves from it by exercising their power of

IN THE "SLOUGH OF DESPOND"

resigning." Higginson challenged this interpretation of the understanding. He refused to accept the principle of united executive responsibility. He believed that each member of the administration ought to be responsible for the acts of his department alone, and that he ought as a consequence to have the liberty of voting with or against his colleagues whenever he judged fit, that thus an administration composed of the principal members of each party might exist advantageously for all parties, and would furnish the governor the means of better understanding the views and opinions of each party, and would not fail, under the auspices of the governor, to lead to the reconciliation of all. LaFontaine replied that if that was Metcalfe's idea of responsible government, the sooner he let the council understand it the better, in order to avoid future complications. He repudiated as far as he and Baldwin were concerned the interpretation. Metcalfe was thus well on the way to a serious crisis. His executive had one conception of government and he another, both derived from a formula to which Sydenham had assented. It was little wonder that, with disagreement in his councils and with "the wars of the ins and the outs" raging outside, he felt the burden of toiling on in the "slough of despond," and found "the whole concern rotten at the core."

"Hope I have none, not even of escape." With these words in his mouth, he heroically attacked

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the entire problem *ab initio* and in two long dispatches he summed up the Canadian system of government and his own position. He had no difficulty in concluding that Sydenham would never have accepted LaFontaine's claims. His position was that a vote of want of confidence in the assembly would be unconstitutional but the assembly could constitutionally petition for the governor's recall. The Sydenham rule was: "The governor is the responsible government, his subordinate officers are responsible to him not to the legislative assembly, he is responsible to the ministers of the crown and liable to appeals from the colony against his proceedings; it being at the same time incumbent on him to consult local feelings and not to persist in employing individuals justly obnoxious to the community." Sydenham, however, made the provincial theory of responsible government inevitable, and he could never have hoped to withstand it had he lived. Metcalfe doubted if Durham meant to advise cabinet government in the colonies, and thus to render the governor a cipher, but Sydenham had created such beginnings that Bagot could be coerced into accepting a council no longer chosen by himself but by the assembly for him. There was thus a cabinet and thus there were parties, which Metcalfe hated. The issues were, however, deeper: "It becomes a question whether party government can be avoided. The experiment of responsible

METCALFE'S IMPERIALISM

government in this colony hitherto would indicate that it cannot. It seems to me inevitable in free and independent states where responsible government exists; . . . but there is a wide difference between an independent state and a colony. In an independent state all parties must generally desire the welfare of the state. In a colony subordinate to an imperial government, it may happen that the predominant party is hostile in its feelings to the mother country, or has ulterior views inconsistent with her interests." He found his "extreme and possible case" so far applicable to Canada that the well-affected and loyal had no political power. The prospects for a change from "democratic and party government" were few, but unless they came the governor must remain a mere "tool in the hands of a party." If only the power were in "the hands of a party thoroughly attached to British interests and connections, there would be a ground of mutual cordiality and confidence which would render real coöperation more probable, concession more easy and even submission more tolerable." For the present he could only bear with his council, and hope for a better day.

Metcalfe's imperialism had by this time taken a definite form. The introduction of the cabinet system he viewed with the confident dismay that it would lead to independence. He mistrusted it in a colony. As a consequence he had no patience with the party system, especially as it had lifted into

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power "reformers, republicans, and French." There was much truth in the descriptions which he drew—"reformers," "republicans," "rebels," "tories and family compact men," "the hostile virulence of Orangemen and Repealers"—a chaos of watchwords and shibboleths in an atmosphere of undisciplined invective. The difficulty was that Metcalfe could not kill the parties—he recognized that himself—and in hating them as signs of reform perhaps of separation he slowly but surely drifted into the arms of the high and dry tories, who had sounded the loyal note so loud and so long that it had become pleasant in Metcalfe's willing ear. He could not believe that loyalty could be otherwise than guileless and he was quite broken-hearted to report that "the whole colony must at times be regarded as a party opposed to her majesty's government. He could not be indifferent to parties: "This indifference is scarcely possible to a governor having any spark of British feeling, when almost all who have British feelings are arrayed on one side, and all who have anti-British feelings on the other." The real difficulty lay in the fact that Metcalfe did not see that a Canadian feeling was growing up. In his eyes all citizens of the empire were British or anti-British. His duty clearly lay with the former. As a consequence he became the leader of a party in the colony in spite of all his theoretical protestations. His party was anti-Canadian. A new synthesis of empire was beginning

THE SECRET SOCIETIES' BILL

under his eyes and he could not grasp a Canadian party representing the vast majority of the people and protesting, through Baldwin, its loyalty to the mother country. Metcalfe believed that loyalty was the peculiar property of the "British, family compact party," and it seemed to him that there must be something "rotten," to use his own word, in a protested loyalty which did not include in its ranks the tried men of British feelings.

In doubt and fear Metcalfe opened the legislature in September, 1843. A certain amount of business was got through, notably a resolution in favour of Montreal as the seat of government, a statute to prevent judges and public officials from sitting in the assembly, and a complete reform of the judicial system of Lower Canada. Two measures, however, created the fiercest controversy. A bill was passed, commonly known as "the secret societies' bill," which constituted all secret societies, except the Freemasons, illegal, and declared that their members should be held incapable of holding official appointments or of serving on juries. The measure was introduced with Metcalfe's knowledge and approval, but he reserved it when passed by an overwhelming majority, for the sanction of the imperial authorities, which was finally refused. The opposition considered that the bill was specially aimed at the Orange Order and was class legislation of a particularly autocratic type; but Baldwin and LaFontaine replied

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that it was straining the constitution to reserve the Act. The second measure was Baldwin's attempt to secularize higher education by transferring the lands granted to King's College to a new state institution—the University of Toronto. Bishop Strachan consolidated the ranks of the Church of England and outdid himself in violence. The bill proposed, according to this champion, "to place all forms of error on an equality with truth, by patronizing equally within the same institution an unlimited number of sects whose doctrines are absolutely irreconcilable: a principle in its nature atheistical and so monstrous in its consequences that, if successfully carried out, it would lead . . . to greater corruption than anything adopted during the madness of the French Revolution . . . a fatal departure from all that is good without a parallel in the history of the world." The church papers described Baldwin's proposals as disclosing "the true atheistical character of the popular dogma of responsible government." Religious feelings were aroused to extremes and the bill was making stormy progress, when Metcalfe came face to face with the impasse which he most dreaded.

Towards the close of November the government heard that a conservative had been appointed to a minor office without their approval. Baldwin and LaFontaine interviewed Metcalfe privately, and opened up the question of patronage at the

THE QUESTION OF PATRONAGE

executive council. The governor-general refused to accept their demands, and on November 26th the entire government resigned with the exception of Dominick Daly. It is difficult to arrive at the motives which lay behind this drastic action. Apparently LaFontaine and Baldwin drove the Bagot experiment to its logical conclusion and included all patronage supported by provincial funds as part of the responsibility of the ministry in power. They complained that the differences between the executive and the governor were not theoretical but actual, as appointments had been made against their advice, and proposals for appointments had been laid before him when the opportunity for advice had passed. They resented the reservation of "the secret societies' bill" after Metcalfe had given his consent to its introduction as a government measure. They felt that they were in an anomalous position, being responsible for all acts of the executive to the legislature, and not being consulted on all acts by the governor. There was apparently a sphere in which the governor could control provincial appointments, and he maintained that the council need not defend or support in parliament his actions within that sphere.

Metcalfe disputed the explanations of the ministers. He declared that the statement, which has just been considered, was too full and that the issue was not on a theory of responsible govern-

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ment, but merely on the question of the governor-general's complete surrender to the council of his control over all appointments. He refused to accept any position of subordination which would convert patronage into party channels, "degrade the character of his office, . . . violate his duty and surrender the prerogative of the crown." Other interpretations of the episode were forthcoming at the time. Hincks maintained that the whole thing was part of a plan, which originated with the colonial office, to wreck Bagot's work. Edward Gibbon Wakefield saw in it a party move, as the government was already tottering and needed to rally public opinion in its favour. Although Metcalfe lent some support to Wakefield's statement by referring to it in a dispatch, there is no doubt that his view of the situation had no basis in fact. As for the suggestion put forward by Hincks, it can be dismissed as an insult to a man of Metcalfe's honour. Egerton Ryerson entered the contest with puerile conceptions of constitutional law, and defended Metcalfe by an interpretation of British practice, which was lashed to pieces in Robert Baldwin Sullivan's merciless satire. The latter resolved the question into its simplest terms: if Metcalfe was right, then Canada should not have representative institutions at all, and the Sydenham-Harrison resolutions to which the colonial office had assented were meaningless. The executive claimed to be a cabinet representing

A PROVISIONAL GOVERNMENT

a party and as such to have full control over the patronage of the province. Metcalfe claimed the right not merely in theory—which was conceded—but in fact to make appointments apart from the executive, as part of the prerogative rights of the crown. The executive defended their position as part and parcel of their conditions on taking up office. It was unfortunate that the challenge should have been over patronage, as the conservatives and Metcalfe were able to raise a kind of ethical cry over bought votes and tarnished power. But Baldwin and LaFontaine knew well enough that the same patronage would be claimed by their opponents if in office, the only difference being that Metcalfe and MacNab would call it the just reward for British loyalty.

Metcalfe now cast himself on the country to seek a new council, and following cabinet conventions to get ready for a new election. Daly remained and was joined by Benjamin Viger, who deserted his compatriots after having suffered in their cause. Later W. H. Draper was secured and the three formed a provisional government. A war of pamphlets, and newspapers, addresses and counter-addresses, broke out which knew nothing of civilized conventions. The "Canada crisis" was debated in the imperial parliament and Stanley served up the Sydenham-Russell correspondence of 1839, as if it were an original contribution. He also sat in judgment dividing Canadians into loyal

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sheep and rebel goats. The student of party politics can only regret that no one in the House of Commons then knew that he had absolutely forbidden Bagot to appoint Viger to the legislative council, because he had been a traitor, whom he was now defending as a member of Metcalfe's provisional government. When Metcalfe finally got together an executive council and faced the electors in November, 1844, the air was charged with electricity. Bitterness passed all bounds. Virulence passed for truth, invective took the place of logic. Every conceivable weapon was pressed into service. Metcalfe himself made it clear that he considered loyalty and the British connection were at stake, and in a reply to an address from the district of Gore he practically issued an election manifesto. He refused to surrender himself or the patronage of the crown to any executive however supported. To do so would be "incompatible with the existence of a British colony." He was "responsible to the crown and the parliament and the people of the mother country" for every act which he performed. "He felt," says his biographer, "that he was fighting for his sovereign against a rebellious people." His sincerity must remain his only defence. On the eve of the election he firmly believed that there were only two issues: British connection and supremacy or a form of government inconsistent with either. The elections thus took on the aspect of a grim struggle between loyalists

A PAPER VICTORY

and traitors and the numerous and fatal riots which accompanied them were viewed as contests between the forces of the crown and rebels. The tory group rallied their supporters to a man, the Eastern Townships stood solid, Ryerson had directed the Methodists and many a doubter finally followed the cry of loyalty rather than the dictates of his convictions. In the issue the governor's party—for such it undoubtedly was—was returned with a small majority, which by three votes gave MacNab the speakership.

The long contest ended at least in a paper victory, and Metcalfe had the satisfaction of knowing that the imperial government and even the leading men of the liberal opposition, including Lord John Russell, were on his side, while the Queen conferred on him a peerage in cordial approbation of the ability and fidelity with which he had carried out the important trust confided to him. He had done the work which the cabinet had sent him to do. He had deviated neither to the right nor to the left, and he had kept the faith. It is well that the student of these bitter days can recall the figure of a dying man, almost sightless with cancer, holding fast to his post, in order to preserve the unity of the empire which he considered was absolutely incompatible with colonial responsible government. The iron, however, entered into his soul before he retired from office. His new council exercised little influence and commanded

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little support. In the noise of battle a small majority had been secured but when the tumult had died away men began to find that the war-cries were ill-suited to the days of peace, and that loyalty was a poor substitute for efficient administration. For Metcalfe personally the last months in Canada were a sad revelation. The single-minded governor had become a partizan, the peace which he hoped to favour was almost outraged by civil war, and the races which were beginning to work together stood in bitter opposition as in the far off days of Craig and Aylmer. On the other hand, Metcalfe put the entire colonial office theory into practice. He had no conceivable use for Sydenham's ill-working paternalism or for Bagot's logical concessions. He was the ideal man for Stanley's instructions, and he proved to the imperial cabinet that it was one thing to put in practice their theory and quite another thing to make it work. Government by imperial selection had proved just as futile as government by a "compact" or a "clique." The decay which had set in went on apace. Draper attempted to arrest it by trying to induce LaFontaine to join forces with the conservatives of Upper Canada. He thought to obtain a working majority in each division of the province. The negotiations fell through and the decay continued until Draper was glad to resign. His successors—the so-called Sherwood-Daly ministry—proved no more efficient. Practically without a working

POLITICAL CHAOS

majority they held on to office and Elgin found on his arrival political inefficiency amid political gloom. Indeed it may be said that the ministry survived largely because men's hearts almost failed them because of fears. Every old sore lay open. Wounds but lightly healed now festered as of yore. Pitfalls which experience was teaching to avoid once more made the political going almost impossible. The constructive work of Sydenham and Bagot was being torn down. Once hopes were high that the governor had been lifted into some sheltered nook in the political scheme, a necessary but colourless part of the executive system. Metcalfe had joined hands with the old régime and the position of the governor seemed as far off definition as ever. Once French and English were working together in comparative harmony to which the Baldwin-LaFontaine ministry under Bagot had borne magnificent witness. Now the races again stood opposed in dangerous hatred. Once it seemed that the principle of government had been settled and that there lay before the Canadas only the generous task of giving to responsibility a political content of creative good works. Now the whole thing was in the melting pot and no man could tell whence a cabinet came or whither it went. Were they the servants of the governor or of the people? Did they seek Canadian or imperial directions in their plans and measures? When answers to those questions were forthcoming

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they had a result perhaps the most unfortunate of all the misfortunes in the province, for on them depended judgments on the loyalty or treason of the citizens. It was little wonder then that the colonial secretary in offering to Elgin the office of governor-general emphasized how necessary and urgent was the need for his "great talents" in British North America.

One ray of light however broke the darkness and as events turned out it proved of untold advantage to Elgin. For a considerable time friction had existed between Great Britain and the United States over the Oregon boundary. During Metcalfe's régime this friction had increased owing to the growing emigration from the eastern states into the disputed territory. When Polk was inaugurated as president in March, 1845, he lent his influence and office to the democratic platform of territorial expansion, and before long his speeches lost every trace of moderation or reason. In fact if not in words he appealed to force against what he described as the arbitrary pretensions of Great Britain, and the cry "fifty-four forty or fight" took on all the appearance of a call to arms. Indeed, so grave was the situation that the British prime minister informed the House of Commons that if all efforts for amicable settlement failed, Great Britain was resolved and prepared to maintain her rights. In spite of this apparent firmness, American pretensions knew no bounds. Americans

ELGIN SENT TO THE CANADAS

were urged onward to the Pacific and the house of representatives was assured that "the American eagle would stick its claws into the nose of the lion and make his blood spout like a whale." In the face of the storm the British government wisely appointed Lord Cathcart, the commander-in-chief of the forces in British North America, to the office of governor-general, and under his directions quiet military preparations were made. These facts had undoubtedly a moderating influence, and the British government was able without any loss of self-respect to suggest a compromise which was more than generous to the United States. Almost the last official act of Sir Robert Peel's ministry was the conclusion of the Oregon Treaty. This is not the place to discuss its terms, but it was a blessing to Elgin that conditions for good-will with the United States had at least been temporarily created. Had Peel continued in power to him would have fallen the honour of sending Elgin to the Canadas, as the Queen had already recommended him as Cathcart's successor. Fortunately the change in government did not result in any new nomination. The whig ministry at once took up Peel's plan for a civil governor and neglecting party distinctions they accepted the plan of their tory predecessors and sent Elgin to Canada to work out with Earl Grey, the new colonial secretary, some kind of adequate and stable administration. The experiment of a

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tory governor appointed and guided by a whig ministry was to prove singularly fortunate for both Canada and the empire. Elgin brought with him that insight, objectivity and freedom from doctrinaire theory which were the most prominent contributions of the Peelites to English history, and their combination with official whig principles resulted in a régime of liberal imperialism under which the old colonial policy disappeared to make room for a nobler and more permanent conception of empire.

CHAPTER II

A MAN OF GREAT TALENTS

LORD ELGIN was sprung of ancient Norman stock to which Robert Bruce had already given the distinguishing mark of permanent historical fame. Edward Bruce, the first Lord Bruce of Kinloss, accompanied James I. to England, where he became naturalized and adorned his profession as master of the rolls. His son threw in his lot with Charles I. and was rewarded with the earldom of Elgin in the Scottish peerage and the Barony of Bruce in the English peerage for the support which he gave his master in forcing episcopacy on Scotland. In due course, a failure in heirs added to the Elgin title that of Earls of Kincardine. In 1747 the English title became extinct and for over a century the Earls of Elgin and Kincardine were Scottish peers alone. Lord Elgin's more remote ancestry does not call for further comment, and indeed his father, Thomas, seventh Earl of Elgin and eleventh Earl of Kincardine, alone obtained any position in history. After an education at Paris, and diplomatic missions to Brussels and Berlin, he was sent by Pitt in 1799 as ambassador to Constantinople. His diplomatic zeal in thwarting French ambitions

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did not monopolize all his time and before long his well-known enthusiasm for art found scope in attempting to prevent the Turks from adding the destruction of classical Greek monuments to their undoubted contempt for the lives and properties of their modern Greek enemies. Lord Elgin compassed heaven and earth to preserve the treasures and finally decided to ship as many of them as possible to England. It is unnecessary to retell the story of "the Elgin marbles" except to note that they finally cost him many thousands of pounds and left him in straitened circumstances. After three years detention in France where he had been arrested on his way home from the east, he returned to England in 1806 and four years later he married his second wife, Elizabeth Oswald. On July 20th, 1811, their eldest son James, afterwards eighth Earl of Elgin and twelfth Earl of Kincardine, was born. For fourteen years he lived with his parents quietly at the family seat of Broomhall, near Dumfermline in Fifeshire, but most frequently in Paris where he acquired that mastery of the French language which, as events turned out, was to prove one of his most valuable accomplishments.

From his father, James Bruce inherited his fine manners and lovable personality; from his mother, that gravity of mind and earnestness of purpose which characterized him as boy and man. Indeed, the whole family in after life were remarkable for qualities which can be traced to the care

AT ETON AND OXFORD

which Lady Elgin lavished on her home. At the age of fourteen James went to Eton, where he was the friend and contemporary of W. E. Gladstone. Here he acquired a reputation for application and study but much more for quiet reserve and thought, qualities which he carried with him to Christ Church, Oxford, where he was not undistinguished in a group which included James Ramsay, afterwards, as Marquis of Dalhousie, the famous governor-general of India; Roundell Palmer, afterwards, as Earl of Selborne, the brilliant jurist; Charles Canning, the promise of whose judgment fully matured in supporting as governor the policy of the Lawrences in India; and W. E. Gladstone. In due course he obtained a studentship, a brilliant first in classics and a fellowship of Merton, and these academic distinctions may be allowed to tell their own tale. More important things emerge from his Oxford life. The group to which he belonged at Oxford were on the whole in political sympathy with Sir Robert Peel, and in these years James Bruce laid the foundations along Peelite lines of his own political sobriety, his liberal-conservatism, and his appreciation of sound and able administrative methods. In addition, he gained at the Oxford Union skill and experience as a speaker which stood him in good stead in later life. At Oxford, however, he developed qualities perhaps more valuable than any of which we have spoken. He deliberately trained himself to analyse prob-

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lems. He thought of them, read of them, but above all he discussed them with men acquainted with them and in these discussions his innate logic and penetration were stimulated and sharpened. Not satisfied with these processes he brought to bear on his analyses the force of an acute understanding and of a remarkable insight into character. As the years passed these methods passed into habits and his official dispatches of later years are full of discussions of difficult situations which have become famous in British history.

This discipline, for such indeed it was, might be explained as admirable prevenient grace in a man of serious purpose looking forward to a life of public service such as his position and birth might at that period in social development have allowed him to expect. This explanation, however, would be far from adequate. It is true that James Bruce after he came down from Oxford contemplated the professional study of law, but he soon abandoned the idea and for several years he settled down to the life of an ordinary country gentleman at Broomhall. Here, during his father's long and regular absences he carried out the miscellaneous and traditional duties of his class. He was, however, specially successful in nursing the estates back into solvency and the habits so carefully and deliberately acquired at Oxford proved admirable helps. On the other hand, the zeal with which he applied them in this connexion is all the more

THE OXFORD DISCIPLINE

remarkable because at the moment George, Lord Bruce, Lord Elgin's eldest son by his first wife was still alive and heir to the titles and estates. In addition when there was absolutely no hope of success he contested Fifeshire in 1837 in the tory interests in order to shew that a tory need not necessarily be a man of narrow views or visionless outlook. We see during these years the persistency of the deliberate Oxford discipline, itself laid down and nurtured with no special aim in view and continued under similar conditions. It is not difficult to conclude that James Bruce was a young man of rather remarkable character. He brought to the every-day pedestrian affairs of life a singularly ripe judgment, matured insight, and a power of discretion, which would have been remarkable enough had they been fostered and nurtured for a definite career. They stand out in still more remarkable relief when we remember that to James Bruce they were the ordinary duties which a man owes to himself. In addition, they were combined in a personality of distinct charm. It is not too much to say that, while there were evident signs of an overdeveloped seriousness, Bruce's character was on the whole harmonious and balanced and that the self-imposed view of life as largely a sphere of earnest endeavour even in small things did not shut out the wider visions of its sweeter purposes and its kindlier lights. If somewhat brusque in manner, he had a keen sense of humour

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and could tell a good story. He developed early a courtesy of bearing and an ability to let an opponent have his say and to cultivate his company, which frequently ended in lasting friendships.

In 1840, his brother George died and he became Lord Bruce, heir to the earldom. In the following year he married Elizabeth Mary, daughter of C. L. Cumming Bruce. Three months after his marriage a general election took place and he successfully contested the borough of Southampton as a supporter of Sir Robert Peel. Already there were signs of political development. He had opposed, like his fellow Oxonian Gladstone, the Reform Bill of 1832, but during the election of 1841 his speeches disclosed the growth of a distinct liberal-conservatism in his outlook. It is well to record his public statement as it represents the foundations on which his career was ultimately built. "I am," he said, "a conservative, not upon principles of exclusionism, not from narrowness of view, or illiberality of sentiment, but because I believe that our admirable constitution, on principles more exalted and under sanctions more holy than those which Owenism and Socialism can boast, proclaims between men of all classes and degrees in the body politic a sacred bond of brotherhood in the recognition of a common warfare here and a common hope hereafter. I am a conservative not because I am adverse to improvement, not because I am unwilling to repair what is wasted or

HIS POLITICAL FAITH

to supply what is defective in the political fabric, but because I am satisfied that in order to improve effectually you must be resolved most religiously to preserve. I am a conservative because I believe that the institutions of our country religious as well as civil are wisely adopted when duly and faithfully administered to promote not the interest of any class or classes exclusively, but the happiness and welfare of the great body of the people, and because I feel that on the maintenance of these institutions not only the economic prosperity of England, but what is yet more important the virtues that distinguish and adorn the English character, under God, mainly depend." The note which is struck here may sound far-off to us, even a little fastidious and not entirely true. However that may be, it is one of a faith in ordered progress and in the solemn duty of building for newer days and newer generations on foundations laid not wholly by human hands. It is this high sense of moral values which we must emphasize almost more than the political faith to which the speech bears witness. Throughout his life Bruce brought to all his problems, his actions, his utterances a religious frame of mind which was so much a part of his personality that it was never either unctuous or priggish or both.

When parliament assembled he seconded the amendment to the address, which ended in Melbourne's resignation and in Peel's assumption of

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office. His speech on this occasion is of more than ephemeral interest. He announced his belief in moderate free-trade on principles of reciprocity, and he lifted the debate to a high level by his condemnation of the custom of attacking in severe terms those who ventured to differ from the government. The one monopoly which he felt called on uniformly to denounce was "the pretension to the monopoly of public virtue." Already then there lay before him the promise of a successful career in the house of commons. Within a few months, however, he succeeded on his father's death to the peerage. He had no seat in the house of lords, and received opinion believed that a Scottish peer could not sit in the lower house. For a moment he conceived the idea of testing the legality of the opinion, but he abandoned his purpose when he found out that a successful issue would not command the approval of the Scottish peerage. It thus seemed that, pending the possibility of his selection as a representative peer of Scotland, he must abandon public life. The brilliant promise, however, had not been lost on Peel, and in March, 1842, he was selected by Lord Stanley, the secretary of state for the colonies, to succeed Sir Charles Metcalfe in Jamaica on the latter's removal to the Canadas.

We have already seen the tragic fate which surrounded Metcalfe's régime in British North America. On the other hand, his success in Jamaica

JAMAICA

had been phenomenal. There, in narrow and concentrated form, had arisen the inevitable problem of an irresponsible executive and an elected assembly. In addition, Jamaica was passing through an economic crisis which was largely the outcome of the emancipation of its slaves. The depression was laid in due form at the door of the mother country. "How," cried the indignant planters, "could Jamaica with free labour compete with the slave labour of the Spanish islands? How could the Jamaica planters survive the crisis when their compensation was such a paltry sum?" Nor did the problem end there. The assembly, composed of landowners and overseers, was called on to govern an alien race who had once ministered as slaves to their economic progress and whose paid services they now could with difficulty secure. In addition the shadow of the Church of England fell across a land torn with racial and economic strife and full of resentment in the person of its governing class with the mother country. The English Church was a privileged communion and religious feelings ran high between it and the nonconformist sects, such as the baptists, who had fought the battle of emancipation. Before long the religious champions of personal freedom were exceeding the bounds of political good-sense, and there was every possibility that the hard-won gift, intrinsically dangerous under the circumstances, might be further complicated with a new

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ingredient of public licence. Metcalfe had thus faced a situation charged with difficulties. His government of the island has acquired historical distinction. Wise, conciliatory and prudent he brought to Jamaica a peace and harmony which it had not enjoyed since the close of the eighteenth century. When then Elgin, an untried man, was appointed to take over an office in which his predecessor had achieved not only remarkable success but had also acquired public esteem and affection, there was much searching of hearts. At home Peel's opponents pointed to the selection as yet another example of the political incapacity and the original sin of the party. In Jamaica, there was a feeling of gloom and despair, inevitable perhaps when a people who have been brought out of great tribulation lose the great deliverer, and in this case heavier and more fearful since he had become personally identified with the public and private results of his own wise and far seeing policy.

Such was the general situation. Across it cut a complicated issue. The absentee proprietors had long continued to make the belief that landed property had no prospects in the island the ultimate test of goodwill towards Jamaica. The best friend of the island from this point of view was the man who proclaimed its inevitable economic doom. Resentment over emancipation could hardly have reached a lower depth of vindictive-

GOVERNOR OF JAMAICA

ness, and Elgin entered on his office with a handicap of personal and public disapproval which could scarcely have been more severe had he been a man previously tried in the colonial service and found ignominiously wanting. To these external and initial difficulties another and one likely to fill him with despair was soon added. On his way to Jamaica he suffered shipwreck on the coral reefs surrounding Turk's Island. Lady Elgin never got over the trying experience and the tax on her strength was so great that she never sufficiently recovered from the birth of a daughter two months later. In the following summer she died. Elgin grieved intensely, but he never lost a grip on himself and as a consequence his administrative capacity did not suffer. It says much for his strength of character that his wisdom and judgment were not even temporarily warped under the tragic circumstances.

It lies outside this history to go into the details of Elgin's governorship of Jamaica. Certain features stand out, however, which are of exceptional interest in the light of his Canadian experience. First of all, he held himself absolutely aloof from all the local differences—racial, economic and religious. He acted throughout with balance, moderation and fairness. His practical wisdom sought to direct attention from a belief that a new heaven and a new earth would at once come were the constitution or political institutions changed in

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some new and inexperienced manner. With remarkable tact he pointed out the necessity of racial forbearance and of building up economic and financial security. In this connection he saw that the balancing of the annual budget was a primary need. Before long he guided the assembly along the lines of his own foresight. Scarcely had affairs taken on this practical aspect when he faced one of those inevitable problems which characterized the colonial policy of the period. The legislature passed a tariff act which was not entirely in keeping with the new British economic policy. No sooner had the Act reached England than a storm broke over Elgin's head. In an outspoken dispatch in which no attempt was made either to hide anger or contempt the governor was informed that the entire measure was disapproved and that only the sheer necessity of avoiding further financial chaos in the island prevented its disallowance. Elgin was curtly informed that such objectionable legislation could as a rule be avoided if the governor would put in action his perfectly legitimate power and influence, and failing success in this manner, he was ordered in future to refuse assent.

In perfect composure, but with strength and conviction which assuredly no other governor of the time would have displayed in similar circumstances, Elgin replied that the colony could hardly be expected to have learned suddenly a newer economic gospel from that which it had received

A COURAGEOUS DISPATCH

for many generations from the mother country, and that while trade might be checked in some degree the colony had to meet expenditures from some source of revenue. He added that the Assembly was and always had been extremely jealous of any interference in the matter of self-taxation, and that "while sensible that the services of a governor must be unprofitable if he failed to acquire and exercise a legitimate moral influence in the general conduct of affairs, he was at the same time convinced that a just appreciation of the difficulties with which the legislature of the island had yet to contend and of the sacrifices and exertions already made under the pressure of no ordinary embarrassments was an indispensable condition to his usefulness." The dispatch produced immediate results. The British government practically apologized, and the express orders in the matter of assent were at once withdrawn. More important, however, is the light which the episode throws on the growth of Elgin's mind. We shall hear before long the words "legitimate moral influence" used in a stronger and more emphatic connexion, and we shall see an Assembly, jealous in wider aspects of self-government, supported in a larger crisis.

Other aspects of Elgin's Jamaican experience do not require any special emphasis. We may note, however, that he devoted ceaseless attention to allay racial friction, and on the whole his efforts

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were crowned with success. More important, however, are Elgin's hopes and fears in relation to a colonial assembly. He saw a situation in which an elected chamber exercised wide powers and was daily drawing to itself others. Elgin viewed the problem in all its bald realism and he was constantly questioning himself on the future. On all sides—in Hayti, in South America, as in Jamaica—political experiments were in progress out of the break up of an older civilization. What hope did they contain? Elgin found little to encourage him. This consolation, however, remained. If the parent states sent out gentle and prudent governors political success need not be despaired of. He believed "that a popular representative system was perhaps the best that could be devised for blending into one harmonious whole a community composed of diverse races," and that an assembly guided morally by a wise governor was perhaps the best hope for a colony rising anew out of an ancient past and facing the inevitable problems due to the local and imperial aspects of its political and economic life.

The sentiments and opinions with which Elgin regaled the British government in the leisure of his semi-retirement after his wife's death seem to-day the merest political platitudes, the most obvious commonplaces hardly worthy of serious attention, or of special emphasis, and they might lightly be dismissed as such. On the other hand, if we recall what was going on in the Canadas

A NEW CONCEPTION OF EMPIRE

at the same moment under Metcalfe we can only be amazed at Elgin's wisdom. Doubtless the way does not as yet lie clear before him, and principles have not as yet reached anything like that ripe maturity which endows a man with the consciousness of a political reserve. At any rate we can well measure the stature of Elgin's promise if we ask ourselves whether Metcalfe would ever have allowed an occasion to arise when the imperial government would have reprimanded him as it did his successor in Jamaica. As Metcalfe is holding in grim earnest and with unflinching courage the last trenches of the old colonial system in the Canadas, Elgin is working at a newer problem. On the one hand we have undeviating loyalty to a cast-iron conception of empire and on the other and at the same moment in history we have the dawning conviction that colonial policy must drift from its old moorings and go out on an uncharted sea. To Metcalfe this meant the burial of all he valued, of all his most cherished beliefs, of all his past experience—of the empire itself. To Elgin it suggested the possibility that there might be gathered out of many changes, inevitable and dubious, a better synthesis, a richer achievement, a more wonderful imperialism. The Lord Elgin of the Canadas was born in Jamaica, and Metcalfe his distinguished predecessor was preparing the occasion which would crown his political boyhood with the permanence of magnificent manhood.

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Early in 1845, Elgin could report "considerable social progress," "uninterrupted harmony," "a spirit of enterprise," "comparative fortitude" during his term of office from which he now asked to be relieved. For another year he remained and in the spring of 1846 he returned to England on leave of absence but with an understanding that he should not be asked to return. His first experiment as a governor had been carried out under Lord Stanley and later under his old schoolfellow and college friend W. E. Gladstone. When he arrived in England he found a new colonial secretary in office, Lord Grey, to whom he was personally unknown. We have already pointed out Grey's wisdom in neglecting party affiliations in offering Elgin the position of governor-general of Canada, vacant owing to Metcalfe's resignation. "I believe," wrote Grey in making the offer, "that it would be difficult to point out any situation in which great talents will find more scope for useful exertion or are more wanted at this moment and I feel sure that I could not hope to find anyone whom I could recommend to her Majesty for that office with so much confidence as yourself." We cannot better conclude this view of the prelude to Elgin's rule in Canada than by asking what manner of colonial secretary was this who so unequivocally sought the man of "great talents." Indeed some sort of answer, however short, is necessary at this point to that question, as it was under Grey that

GREY'S COLONIAL POLICY

Elgin worked out with permanent success the greatest problem in British colonial history.

Earl Grey, the colonial secretary (1846-1852) in the first Russell government, was the son and heir of Grey of the Reform Bill and thus inherited political and economic liberal traditions. When he entered the colonial office we may well believe that no more disturbing guest had ever crossed its threshold in a responsible capacity. It is quite true that with him free-trade was a kind of universal elixir and that he was prepared to rub it into colonial wounds without much diagnosis of their nature. Economic theory, however, yields more easily to modifications than political, and Grey's great contribution to history was that from the first he understood the fundamental defect in Metcalfe's government of Canada. He recognized almost completely that it was impossible to govern a great colony with an irresponsible executive. In other words he conceded that responsible government was the only method by which the Canadas could hope to obtain political salvation. A superficial view might allow us to dismiss Grey's colonial policy as merely a by-product of *laissez faire* whiggism, as a dignified gesture towards independence, and doubtless the permanent staff at the colonial office saw in the near future a notable reduction in their trials and tribulations. Grey's outstanding fame, however, lies in the fact that he combined a belief in responsible government

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with a belief in the continuance of the British Empire. His *laissez faire* principles were no barren product of individualism, no philosophical concession to theories of liberty. He was prepared to apply them to Canadian politics and to trust that in lengthening the cable the empire would ride steadier at anchor. We shall see as this study develops that at times the lamp of Grey's faith burned dim, especially when he found that Canada did not bow down in simple adoration and complete self-surrender in his devoted temple of free-trade. The great thing, however, was that he had faith, and that Elgin stood beside him and held him true to his political vocation. The combination of Grey and Elgin in colonial policy is certainly one of the most remarkable things in British history. It is a strange coincidence, when Metcalfe was doing his utmost to prove the failure of colonial government, when there was a general growth of public opinion in England that colonies were hardly worth the trouble to which they gave rise, that Elgin should be pondering newer principles and that he should be given an opportunity of putting them into practice under a colonial secretary who believed in colonial political liberty not for its own sake or as a step to independence, but as a bond of empire stronger than law, more trusty than logic, more reliable than constitutional forms.

When Elgin sailed for Canada early in 1847 he

GOVERNOR-GENERAL OF CANADA

went in a spirit of high and responsible knight errantry: "To watch over", as he said, "the interests of those great offshoots of the British race which plant themselves in distant lands, to aid them in their efforts to extend the domain of civilization and to fulfil that first behest of a benevolent Creator to his intelligent creatures—'subdue the earth'—to abet the generous endeavour to impart to these rising communities the full advantages of British laws, British institutions, and British freedom, to assist them in maintaining unimpaired, it may be in strengthening and confirming, those bonds of mutual affection which unite the parent and dependent states—these are duties not lightly to be undertaken and which may well claim the exercise of all the faculties and energies of an earnest and patriotic mind." Elgin thus carried to Canada a creative seriousness of purpose and a width of vision which linked his mission with that of Durham. This connexion was further happily strengthened. On November 7th, 1846, he married Lady Mary Louisa Lambton, Lord Durham's daughter.

CHAPTER III

LORD DURHAM'S VIEW OF GOVERNMENT

ELGIN arrived at Montreal on January 29th, 1847, and assuredly he undertook a task of extraordinary difficulty. Two European civilizations were united constitutionally in terms of common hatred. The French cherished their racial traditions, their religion, their language as brands saved from the fires of anglicization. Conscious of their solidarity through these cementing forces they believed they could afford to await developments in a spirit of political and social aloofness. On the other side, among the English Canadians were a goodly number who looked down in contempt on the French and all their works. In one categorical condemnation they despised them as aliens in their own land, as rebels against the crown, as papists and obscurantists, who had returned evil for all the generosity of the past and who beyond all doubt deserved neither consideration nor respect. In somewhat similar terms they denounced those Anglo-Canadian reformers who advocated the recognition of French Canadian political equality, and were prepared to unite with them on a basis of "responsible government." Consequences of a serious nature followed from

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all this friction. "Responsible government" became a shibboleth. To believe in it meant treason and disloyalty, to oppose it meant patriotism and devotion to the throne, the flag, the empire, the imperial connexion. It did not matter that the opposition was largely a matter of "loaves and fishes," of privileges and offices. It did not matter that the vast majority of both races wished to enjoy the opportunity of shewing that there was nothing peculiarly un-British or republican in responsible government, the fact remained that the particular attitude of any one towards the principle was peculiarly liable to place him among the loyal sheep or rebel goats. Indeed, in this respect the Canadas had learned nothing or forgotten nothing. It was still possible to fan public sentiment to a white heat with partizan war cries which had neither meaning nor fruitful offspring, and to recreate with ease the political buffoonery of the days of Gore, Craig, Maitland, Colborne or Bond Head. Worse than all this was the general ignorance in England of the social and political situation, and there the opprobrious epithets as often as not were considered adequate standards by which to judge individual Canadians.

Writing in 1849 Edward Gibbon Wakefield, one of the foremost political minds of his time, gave an account of colonial politics which was pointed and rendered unfair by his own unhappy experiences in the Beauharnois election of 1842, and

COLONIAL POLITICS

subsequently in the Canadian parliament, but which contained only too much truth.

“A colonist who meddles with public matters should have a skin of impenetrable thickness. Quiet sort of people who emigrate, though often the best qualified for public business, generally refuse to meddle with it; they cannot endure the scarification to which any interference with it would expose them. But it is not alone the skin which suffers, when thin enough. Frequent scarification renders most colonial skins so impenetrably thick, that the utmost vituperation makes hardly any impression upon them. Recourse therefore is had to something sharper than billingsgate. It is a general custom in the colonies, when your antagonist withstands abuse, to hurt him seriously if you can, and even to do him a mortal injury. either in order to carry your point, or to punish him for having carried his. In every walk of colonial life, everybody strikes at his opponent's heart. If a governor or high officer refuses to comply with the wish of some leading colonists, they instantly try to ruin him by getting him recalled with disgrace; if two officials disagree, one of them is very likely to be tripped up and destroyed by the other; if an official or a colonist offends the official body, they will hunt him into jail or out of the colony; if two settlers disagree about a road or a water-course, they will attack each others credit at the bank, rake up ugly old stories about each other,

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get two newspapers to be the instruments of their bitter animosity, perhaps ruin each other in a desperate litigation. Disagreement and rivalry are more tiger-like than disagreement and rivalry in this country. Colonists at variance resemble the Kilkenny cats."

When we come to look at the picture more closely we see the great outstanding difficulties to which we have already referred. The governor now was part and parcel of the epithet-mongering. Durham and Bagot were rebels—that was clear beyond all shadow of doubt. Sydenham and Metcalfe were loyal—that was clear to anyone not blinded with republican passion. To suggest the grant of responsible government was Durham's original sin, to introduce it was Bagot's fatal act of apostasy. Sydenham had made the great promise of political redemption and Metcalfe had gone forth to do battle against the forces of sedition and darkness. Of a truth Elgin entered on no fair heritage nor had the lines fallen to him in pleasant places. In addition, the principle of government was still in violent dispute. If there were not to be another rebellion, or an outburst of annexation sentiment, the new governor must treat as non-existent the last ten years of Canadian history and try if possible to begin again where Durham had left the issues. To do so, however, meant that passions would once again glut themselves with the tragic memories of the rebellions, that the French would

A BOLD BEGINNING

continue to sulk in their tents lest Durham's anglicizing policy should mature, and that every honourable man in the province must decide between a political self-denying ordinance or wading through streams of abuse to the possibility of political salvation. Elgin was not long in the province before he saw deeper and more subtle difficulties. The colony had made no appreciable advances in political development since Sydenham's day. Party politics were based on no great principles, but were personal, petty and factional; and the general average of prosperity—no poverty, no aristocratic class, no overburdening taxation—accentuated the political indifference to the higher aims of statesmanship.

For some time before his arrival Elgin had given the Canadian situation his most earnest thought and he had discussed it with Grey in its fundamental not its ephemeral or incidental aspects. When then he replied to the address of welcome from the citizens of Montreal he made the bold beginning of announcing that he would adopt "frankly and unequivocally Lord Durham's view of government." The declaration might mean various things. Metcalfe's ministry, who still held office, and their supporters might interpret it as an indication that he intended to crush, as Durham had suggested, "the idle and narrow notion of a petty and visionary French-Canadian nationality." The "reformers" conscious of their popular support

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and knowing that Grey had already outlined a new system to the lieutenant-governor of New Brunswick were content to husband their hopes in confidence. They likened Elgin's declaration with Grey's conviction that "it was neither possible nor desirable to carry on the government of any of the British provinces in North America in opposition to the opinion of the inhabitants." Elgin capitalized the temporary lull in the storm. He courted social life. He walked and talked and met men and women, declared a charmed journalist, "with the geniality and affability of a man of the people." Enjoying vigorous health and in the full glow of manhood his energy and enthusiasm stood out in violent contrast with the ill-health of his immediate predecessors. The training of the Oxford Union now stood him in good stead. He soon established a reputation as an effective and eloquent speaker in both French and English, and he was not slow to observe that his marriage with Durham's daughter had brought him something of the respect which honest men, however narrow and undisciplined, seem ready to bestow on anyone whom they consider a martyr to a cause even though it be not their own.

Elgin, however, laboured under no delusions. He did not interpret the temporary calm in any false terms. It is extremely interesting then to watch him approach the situation in the old Oxford manner and to see him reduce it to its

ASSAILED BY FEARS

simplest and baldest realism. He felt that hope lay in Durham's principles and he reiterated to his wife what he had told the cheering citizens of Montreal that success would depend on their fair and honest application. What a chaos, however, in which to apply them! The whole machinery of government was creaking and groaning. The ministry was not only weak but so conscious of its pernicious anæmia that it dare not propose anything beyond the primary necessities. Business piled up in an immense quantity of arrears. No secretaries or officials were available to help the governor, and the abuse fell from friend and foe alike on Metcalfe's strange administrative Noah's ark. Elgin asked himself many questions, propounded many solutions and even feared that he might be driven to turn his face to the wall and admit defeat. He feared to attempt any immediate change—for, as yet he at least could not see that the province offered any prospect of constructive political aims. Failing a new set of ministers he turned to the idea of at once summoning the Assembly and urging the administration to meet it with practical measures of public and general utility—a method which Sydenham had found so successful. Fears again assailed him. His advisers were so incompetent that in their hands practical proposals would at once take on disintegrating features, and so profoundly impressed were they with the general heinousness of men that

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they believed the opposition would wilfully oppose them and that even members of their own party could not be entirely relied on lest they might lose some special profit in the general scheme of utility. Elgin tried in vain to make them take the plunge relying on the apparent goodwill of his advent. They had no faith either in the governor, themselves, their party, the opposition—and where there is no vision the people perish.

The ministry moved from weakness to weakness with uncanny persistency. W. H. Draper retired, and leadership, if such it can be called, passed into the hands of Henry Sherwood and Dominick Daly, in whose futility the man in the street facetiously saw the destiny of the last disgraceful election working itself out in all the due forms of inevitable fate. Once more Elgin broke up the problem into all its varied parts. He saw no immediate hope of eliminating the small parish political factions of the Canadas by means of a federal union of British North America—a plan proposed to him before his arrival by Grey and Russell. Left then with the Canadas, at last there began to dawn on him the conviction, which had been Bagot's, that strength might come by the admission of several French Canadians to the ministry. He did not at all see the way clear, but at any rate he arrived at once at the belief that the future lay in allaying their racial suspicions and encouraging them to divide into liberals and conservatives, who would

A DIFFICULT PROBLEM

form political alliances with the parties which bore corresponding names in Canada West. These sane hopes seemed, however, problematical and for the moment he allowed Colonel Taché to open negotiations with the idea of strengthening French-Canadian representation in the existing ministry. His purpose was undoubtedly to merge nationality in common political affiliations and common political differences. His plan was at once repudiated. "The French," he declared, "seemed incapable of comprehending that the principle of constitutional government must be applied against them as well as for them Whenever there appears to be a chance of things taking this turn they revive the ancient cry of nationality and insist on their right to have a share in the administration not because the party, with which they have chosen to connect themselves is in the ascendant, but because they represent a people of distinct origin." Elgin, however, was not surprised at the result of the negotiations and he analysed the rejection in some of his most intimate dispatches. He traced it to the general belief that a governor could not be relied on. Would he court rebuke as Bagot had done and die of a broken heart, to make room for another Metcalfe? Would he shew himself merely an imperial flunkey when the British Cabinet might allow its ignorance to run away with its common sense? As long as the functions of the governor were ambiguous Elgin

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felt that it was impossible to get distinct political divisions without the sinister curses of race, loyalty, British and anti-British complexions. He determined then at once and finally to make his position emphatically clear and he laid it down in unequivocal terms: "I give to my ministers all constitutional support frankly and without reserve and the benefit of the best advice that I can afford them in their difficulties—in return for this I expect they will in so far as it is possible for them to do so carry out my views for the maintenance of the connexion with Great Britain and the advancement of the interests of the province I have never concealed from them that I intend to do nothing which may prevent me from working cordially with their opponents if they are forced upon me . . . it is indispensable that the head of the government should shew that he has confidence in the loyalty of all the influential parties with which he has to deal and that he should have no personal antipathies to prevent him from acting with leading men." Elgin was not unconscious of dangers, especially with the Canadian and imperial ambits of authority so far from definition and demarcation. He knew his path was slippery and narrow, requiring "incessant watchfulness and some dexterity . . . to prevent him from falling, on the one side into the *néant* of mock sovereignty or on the other into the dirt and confusion of local factions." But he believed in

THE IRISH IMMIGRANTS

the principle at which he had arrived in Jamaica that with tact and firmness he could establish "a moral influence in the province" which would more than compensate for allowing the Canadians the privilege of making or marring their own political existence.

While these great resolves were taking shape and Elgin was beginning to teach pretty poor material in the new political kindergarten, certain happenings cut across the educative process and made progress almost hopeless. Sickness and famine and sudden death had fallen on Ireland in terrific and ghastly intensity. From the scenes of desolation thousands of Irish fled to the Canadas, half-clad, half-starved, half-dead. The province rose to great acts of private charity and devotion and there is no more heroic page in Canadian history than the splendid self-sacrifice of the people in helping to alleviate the sufferings of these miserable and unfortunate immigrants. The grimness of their ordeal was well on the way to being robbed of some of its terrors and hope seemed already on the horizon as many made progress to health and work throughout the province, when a pestilence broke out among them. Their famished bodies could offer no resistance, and the ocean voyage in crowded notorious pest ships accentuated their liability to infection. The suddenness of the blow prevented any effective quarantine measures and soon the province wit-

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nessed scenes of death amid agonies of suffering. Thousands of orphans remained the wards of the colony. Little if any blame attaches to Canada. The legislature did its best with grants to supplement the wide and generous private charity, but the whole episode created an undercurrent of discontent with imperial policy which alarmed Elgin and called for his most outspoken criticism of the imperial government. He complained to the colonial secretary of the lack of foresight and average common sense at a moment when every ounce of his constructive energy was being bent to allay on the one hand sentiments of independence and on the other sentiments of annexation. Into this complicated scene of misery, disaffection and political insecurity further fuel for discontent was thrown with the arrival, almost at the close of navigation, of a further crowd of immigrants from the Irish estates of Lord Palmerston, the secretary of state for foreign affairs. At once the cup of Elgin's sorrows overflowed. The newspapers denounced the imperial cabinet in terms reminiscent of more dangerous days. Elgin suffered in the general obliquy and many whose loyalty was undoubted communed in their hearts and were still in face of procedure which seemed to speak of wilful and perverse selfishness. Elgin urged in no unmeasured terms that the imperial parliament should compensate the province for the expenses it had incurred in handling a situation forced upon

IMPERIAL ALOOFNESS

it through imperial shortsightedness. Even here he found apologetic rigidity. In answer to his pleas the argument was advanced that in the long run the province would benefit by the emigration. He pointed out how problematical all this was and he emphasized that however beneficial it might prove to be, no man in the province ought to be asked to pay the terrific price initially involved. The dreary correspondence went on in this strain of imperial aloofness from responsibility and of Elgin's urgent importunity. At length he prevailed. The British government ultimately took upon itself all the expenses borne by the province, but not before Elgin had witnessed the growth of an infectious political malady whose most characteristic symptom was a questioning whether loyalty might not be after all pigheadedness and uncritical sentiment. He found himself wondering whether his new conception of his office might not be robbed of what was in his eyes one of its most vital and essential elements—the fostering by tact and moderation of a new and more subtle idea of the imperial connexion.

As with all human affairs, the tragedy of the Irish immigration slowly faded into history. Meanwhile Elgin visited Canada West to come into personal contact with the other ingredient in his racial problem. Here on the whole he found happiness and content, but he was not slow to see what havoc meaningless political epithets and

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factionous partizanship were working in the social fabric. It may be interesting to read his speeches during this visit informed as they are with polite hopes and generous aspirations. Perhaps, however, no where else during his Canadian career do his words ring less true. If the Irish pestilence had undermined the faith of hundreds, the imperial policy of free-trade was undermining that of thousands. Under the Canada Corn Act of 1843 prosperity had widened with the admission to England at a nominal duty not only of Canadian wheat but also of Canadian flour which might be made from American wheat. The premium thus offered for the grinding of American wheat for the British market caused a vast amount of capital to be invested in mills and in developing the flour trade. Just when economic security seemed to be assured and the industry set on a paying basis the repeal of the corn laws in 1846 swept away the whole investment, as Canada was no longer left with any advantage in the trade with the mother country. Private firm after private firm collapsed and the public finances of the province swayed and rocked in the economic earthquake. It was a sorry scene for the governor. Elgin could only report home the ruin of private fortunes, property a drug in the market and the inability to raise a cent on the credit of the colony.

What exasperated him, however, beyond all measure was the lack of vision. First the legislation

INDUSTRIAL CHAOS

of 1846 had been driven through without any apparent appreciation of its effects on the Canadas. In addition the volume of Canadian and American trade which had flowed down the St. Lawrence from Canadian ports was diverted down the New York channels of communication. Elgin's heart sank within him when he saw the bankrupt colonists look across the line to the flesh-pots of Egypt and the dim abstraction take on the solid reality of an active policy among the commercial classes. His dispatches spat fire. He might indeed have laid stress on a situation of private industrial chaos and public financial gloom when even his own salary and that of public officials were paid in debentures not exchangeable at par; but his fundamental distress lay in the inconsistency of imperial legislation. It was not, he argued, at all a question of protection or free-trade that constituted the problem, it was the folly of allowing Canada to build up her progress buttressed by one imperial act and to find it ruthlessly torn down within a year or two by another. Doubtless, argued Elgin, it was possible to explain the processes with fair arguments from the point of view of the mother country alone. What he denounced was the absurdity of sending him to the Canadas to maintain the imperial connexion and at the same time to lift his work to herculean heights of difficulty by wilfully creating in the province new conditions of discontent. Elgin's anger—and it was

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anger without sin—was further accentuated because his own lofty imperial ideals were being used as a pawn in the game of British party politics. Had he been a mere administrative cipher, a diplomatic flunkey, he might have been content to believe that all things work together for good to them that love an imperial cabinet; but his magnificent conception of empire, his strong conviction of its possible destiny, his vast faith in its potentialities for progress would not let him sit quiet under the strain.

Nor could he refrain from veiled contempt at the inherently illogical action of repealing the corn laws while leaving at the same time the navigation laws untouched. He asked that the commerce of Canada should no longer be cramped by restricting it to British vessels and that there should be a reciprocal reduction of the duties which hampered Canadian trade with the United States. Lord Grey was prepared to take action and Elgin urged him to do so as the only alternative to losing the colonies. Something deeper, more critical emerged. He felt attracted to Grey's idea of a vast British empire formed "into one huge *zollverein* with free interchange of commodities and uniform duties against the world without." For the moment Elgin's horizon glowed with the promise of a great conception and grew red with the hope of a gigantic idea. The disciple of Durham, however, soon came down from the mount of transfigured vision to find

THE POLITICAL PROBLEM

at its base the Canadas possessed with economic devils whom he was called on to cast out. He believed that for many a day now the die was cast and that in free shipping and in full liberty to control their own economic life might be found a constructive way out of a situation which grew uglier and uglier the oftener the governor contemplated it in sorrowful criticism. Already he was discussing the possibility of a Canadian-American reciprocity treaty and driving home to Grey suggestion after suggestion. In the issue as we shall see the navigation laws went and the treaty came, but it was with a sorry heart that Elgin once more faced the political problem which stood out more than ever in all the nakedness of its moral and intellectual weakness. The ministry could provide no national leadership, could inspire no faith, could offer only the hard stones of incompetence to a people longing for the bread of political life.

Elgin realized that on him lay a duty of tremendous moment. On all sides difficulties had increased. Loyalty was suspect, racialism was rampant, financial chaos reigned—while prosperity called over the line and practically invited the not-unwilling province to join in its enjoyment. It is a picture worthy of a Macaulay. Even at Monklands, the official residence, Elgin's lamp of faith burned low. Often and alone he examined and re-examined the problem. In the light of Elgin's final success these dreary days have been

obsured, yet in truth they were to prove the ark of the covenant when at length he went forth to battle. Vicious circle after vicious circle dogged the processes of his mind. Promising channels of approach only brought him up against steep cliffs of impossibilities. The conclusions of the night proved the delusive phantoms of the morning. One idea, one plan, one hope came back time and time again to the lonely watcher by the bedside of the stricken province. Here lies the significance of these weeks—here is the central core of Elgin's political greatness. He examined once more and finally the idea, reconstructed the plan, embraced with a great act of faith the hope. He determined to throw the province back on itself, that in seeking its own salvation it might haply find the empire. The risk was great. Was he prepared to take it? He might have answered that question in the affirmative, but supported his decision by the self-evident assertion that things could not well be worse. Had Elgin done so, we should not be lingering over these days and we should dismiss his ultimate success as the gain of a lucky gambler. He was ready to take a chance for deeper more profound reasons. His own conviction in the healing power of responsibility was so great that it survived these vigils, indeed emerged from them in intensified form. He determined then to go forward from his Ur of the Chaldees with faith, and it is that spirit of faith which lifts Elgin into

A CONSTRUCTIVE STATESMAN

the permanent place of a great constructive statesman. He would begin—not with the economic distress, not with the financial ruin, not with the imperial problem—but with the machinery of government. He would give the province a chance to be master in its own house, to settle its own affairs—and he would go about as the missionary of hope, the apostle of promise, the preaching friar of confidence. This is indeed the faith which moves mountains.

The issues of course were problematical, but Elgin made his decision as no mere *pis aller*. He felt that the time had come for him to act in a spirit of constitutional aloofness. He believed it was his duty to ask the ministry to appeal to the country and at the close of 1847 he dissolved the legislature. If the ministry were returned to power they would acquire credit and political incentive. If they were defeated he would turn equally readily to their opponents. One thing would be settled—his own determination to allow the colony to begin to go to heaven or hell in its own way. He deplored the fact that the decision came only after the imperial government had given the province several extra injections of original sin: but he was not such a political Pelagian as to believe that enough grace was not left to work out salvation. In December, 1847, and January, 1848, the momentous general election took place and the reformers practically swept the country. Baldwin, Hincks,

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Blake, Price, Malcolm Cameron, Richards, Merritt, J. S. Macdonald, LaFontaine, Morin, Aylwin, Chauveau, R. B. Sullivan, and many another honoured name figure in the triumphal roll, which even included the sputtering record that Papineau and Wolfred Nelson were not averse to swear allegiance to the crown. Nor was the opposition unworthy. Here we may note a name destined to bear comparison with those of Baldwin and LaFontaine—that of John A. Macdonald. In opposition he was about to learn that reading of the hearts of men which was to make him a master of men. The old ministry met the house which assembled at Montreal on February 25th, 1848, and the fate of the government was soon settled. Their candidate for the speakership was defeated by 54 votes to 19 and they were censured on a vote of confidence by 54 to 20. On March 11th a new ministry was formed under Baldwin and LaFontaine and a fortnight later parliament was prorogued. During the formation of the ministry Elgin guided the events with discretion and courage. He spoke to his new “premiers,” as he told Grey, in candid and friendly tones. He told them of their fair prospects if they were moderate and firm and formed such a strong and comprehensive administration as would command the respect and confidence of the legislature. He brushed aside fears arising from their apprehension that difficulties might arise if various interests were not taken

FRENCH-CANADIAN NATIONALISM

into consideration by telling them to rely on a choice of the best talent available and on wise and practical measures. It is to Grey's lasting credit that he supported Elgin whole heartedly in every move in the difficult and ambiguous game, and Elgin's own faith was at once given its initial justification in the acknowledgment from all political parties of his perfect fairness and uniform impartiality.

Before turning to consider the great testing day of Elgin's experiment it is well to conclude this chapter with a review of the immediate effects of Elgin's policy. First of all his recognition and application of the principle of responsible government constituted a public declaration that, as far as he was concerned, he was entirely willing to recognize the French Canadians as an essential group within the colony, entitled as much as any others to an adequate and unequivocal share in its government. The most difficult problem, perhaps, which he had to face when he arrived in Canada was the fact that during Metcalfe's régime every political move had only served to drive back the French into the sullen apathy which had fallen on them under Sydenham and from which they were only beginning to escape during Bagot's enlightened policy. Elgin as we have seen laboured under no delusions about French-Canadian nationalism. He knew its political weakness, its social exclusiveness, its liability to sulkiness, its attitudes of

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suspicion. Above all he knew that Durham's recommendations for the anglicization of French Canada hung over the race as a political and social sword of Damocles. His insight, however, was more profound than that of his father-in-law, for he recognized the subtlety and persistency of race and he declared that any attempts at denationalization only resulted in producing "the opposite effect from that intended, causing the flame of a national prejudice and animosity to burn more fiercely." In addition his knowledge of local conditions convinced him, as Bagot had been convinced, that it was utterly impossible to govern the province without the assistance of the French as a race. The fallen ministry had attempted to do what Bagot had proved to be a failure. They had sought to soothe the French by overtures to individual French Canadians—a plan foredoomed to failure. Elgin only contended the idea to drive home its practical futility. Had individual French Canadians been willing to coöperate they would only have been labelled *les vendus*, as Bagot had long ago pointed out. When Elgin turned to consider the possibility of the French group breaking into tories and liberals apart from any nationalistic colourings, he found little prospect of success. French-Canadian solidarity was the outward and visible sign of a spirit ever on guard, tempered in the fires of suspicion and mellowed in almost a century's sleepless vigils. *La nation*

THE FRENCH GROUP

Canadienne was no idle dream—it was a reality and Elgin saw it in all the stern implication of that fact. It wished on the whole to remain within the empire, not perhaps from motives as high-faluting as those expressed by the tories of Canada West, and in the final analyses its loyalty was just as mundane and utilitarian as the “family compact” brand. Be that as it may, Elgin saw that if the French Canadians would work with any party it would be with that led by Robert Baldwin which had never branded them as a perverse, stiff-necked and rebellious generation.

At the moment the problem was far too complex and complicated to admit of any solution which might be thought final. However, in sending for LaFontaine and asking him to coöperate with Baldwin as he had recently done in bringing about the defeat of the Sherwood-Daly ministry and to form a new administration on the basis of that coöperation, Elgin made a declaration that the French group were admitted to a due place in the executive government of the province. The futile policy of anglicization was thus publicly abandoned, and the possibility, which Elgin feared, of driving them into the hands of the United States was rendered nugatory. In faith and hope, as he viewed his handiwork and pronounced it good, Elgin cried out: “Let them feel their religion, their habits, their prepossessions, their prejudices, if you will, are more considered and respected here than

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in other portions of this vast continent, and who will venture to say that the last hand which waves the British flag on American ground may not be that of a French Canadian?" At the same time he requested the imperial government to join with him in the process of robbing nationalism of its disintegrating qualities by repealing the clause of the Act of Union which restricted the use of French as an official language.¹

Elgin's achievement came not a day too soon. Europe was seething with political discontent and on all sides nationalism was out of hand. Scarcely had he formed his ministry when news arrived of the revolution of 1848 in France. Italy, Germany and Hungary were moved to the depths with nationalistic aspirations. In Ireland the poets of the *Nation* were stirring that distracted island with verse that nerved the Irish heart, and thousands of Irish-American voices chanted the intoxicating music of revolt in the ears of hundreds of their fellow countrymen in the Canadas. "Guy Fawkes Papineau," as Elgin called him, had been elected without a contest to the new legislature, and not a French-Canadian journal had repudiated the anti-British sentiments of his election address. His newspaper, *L'Avenir*, was filled, issue after issue, with the doctrinaire republicanism which he

¹ An address to the crown making the same request had been passed in December, 1844, by the tories under Metcalfe, but at the time of Elgin's coming the request was still ungranted.

THE BEST POLITICAL SAFEGUARD

had learned during his exile in Paris and was serving up the fissiparous doctrines of the '48 movement in Europe for the consumption of a people begotten and conceived in nationalism and born in racial solidarity. It was little wonder then that Elgin's dispatches took on almost a triumphal tone. He congratulated himself that he had recognized the French and had committed the government of the province to representatives supported by the vast majority of the people before sedition mongers—Irish or French or Americans or even British—had raised a cry of arbitrary government, monarchical tyranny and national oppression, and had once more let loose the dogs of civil war. "At no period, during the recent history of Canada," wrote Elgin to Grey, "had the people of the province generally been better contented or less disposed to quarrel with the mother country." He was not blind to the presence of "combustibles," and to the dangerous presence of many in the province who would not be slow, if at all encouraged, to apply "a lighted torch" to them. That explosions had not taken place served to encourage him in his belief that perseverance in "a liberal and straightforward application of constitutional principles of government" was the best safeguard against domestic factions and foreign invitations—the secret alchemy which would turn the dross of nationalism into the fine gold of rich and seminal patriotism.

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The ministry settled down to husband the promising fruit of Elgin's wisdom. The complete absence of political discontent gave them time to learn cabinet harmony, while the governor practically taught them the alphabet of parliamentary government. Never for a moment did he connect himself with the wisdom or unwisdom of their discussions, their plans, their aims, but he guided their steps by the quiet paths and the still waters of sober constitutionalism. He knew well enough that he had a cabinet of men not of angels and that responsible office as ministers of the crown possesses no automatic magic of discipline, no facile substitute for inexperience. He knew, too, that storms lay ahead, that political weather is always variable. Like some old mariner who had handed over to a captain and a crew the ship he loved, he stood day by day watching them prepare her for a new voyage. His responsibility was now in effect theirs. He told of far off oceans, of uncharted reefs, of treacherous winds, of the capabilities of the ship, her good points, her defects. He gave with kindly interest the benefit of his experience, the warnings which he drew from his knowledge of the seamen's craft. It was all done with that lack of pedantry, that simplicity of phrase, that absence of superiority with which the sea endows its true and single votaries. It was received with that respect which generous men give to the confidences and warnings of those skilled in the

THE NEW GOVERNMENT

same profession and ripened in the same calling. These months before the legislature opened on January 18th, 1849, have never received their due evaluation in Canadian history. It would be quite possible to retell the mundane administrative acts, the pedestrian every day methods by which the new government consolidated its public esteem and prepared its legislative programme. Far more valuable, however, is it to reconstruct the picture of Elgin and his cabinet discussing principles proved in political tradition, ways and means by which his great untried experiment might lay foundations on which the government of the province could permanently rest. Both knew that within a short time the public test would come. The governor would then have retired behind the scenes for ever, clothed in the irresponsible garments of constitutional neutrality, and the cabinet would then stand before the province and the empire to prove the truth or falsehood of Elgin's own and Baldwin's claim that responsible government would heal domestic wounds and would promote the imperial connexion. The intimate student of Canadian history will find more to stir his soul in the future history of the Baldwin-LaFontaine ministry and of Elgin's régime when he has allowed his imagination to give to these almost unrecorded months the romantic anticipation, the full-hearted faith and buoyant hope which the governor and his ministers found in them, and

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found all the more because they knew that anticipation, faith and hope claim their finest realization in the presence of high risk, splendid adventure, and sturdy opposition, and that a great vocation demands the generous self-surrender of a whole-hearted novice.

CHAPTER IV

COMPENSATING REBELS

WHEN Lord Elgin opened the legislature on January 18th, 1849, certain problems had been given a theoretical solution. He had already laid down as working principles his own willingness to stand aloof from the political differences of the province, to act on the advice of ministers commanding a majority in the legislature and to recognize the claims of the French Canadians to an adequate and just place in the constitutional scheme. Other governors had laid down principles in the past, and time and experience had proved that they would not work. It is immaterial in this connexion if their theories differed totally from those of Elgin—the fact remains that official theory had most frequently proved in Canadian history a barren thing in the world of actual affairs. There fell, then, a hush of expectation and questioning over Elgin's unequivocal declarations. Many anticipated that they would inevitably join the lost hopes and unrealized ideals which haunted the half-century of political conflict. Others were inclined to treat them as mere gestures of goodwill at a moment of constitutional ambiguity. Still others believed that no governor-general could be

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without guile, and that whatever the issues the colonial office had such a capacity for interpretation as to make official words mean anything or nothing as the occasion demanded. Divergent, however, as were the views of Elgin's theory, conflicting as were the opinions about his purpose or success or sincerity, there existed a general belief that the meeting of the legislature would bring into the open direct challenges in every sphere in which the governor had indicated that new methods would be tried. Every shade of opinion looked forward to the opening of the session. On this side men sought to find in Elgin's words and attitudes something which might seem to support their conception of government, and they were only too glad to connect the governor with their "party." On that side, men sought to catch Elgin in his speeches or actions and to find in them reasons for doubting his loyalty or even his sanity. The press reflected the conflicting states of mind and long before Elgin went to open the legislature, he had been damned and praised, cursed and blessed, labelled and unlabelled in varieties and styles as varied and multiform as there were political opinions in the province. Whatever the hopes and fears, one thing was certain—events would take a course either along paths tried by Bagot or those tried by Metcalfe. The province could no longer remain in a state of continued political uncertainty and survive. **The**

THE FRENCH LANGUAGE

economic conditions were too grave to allow further ambiguity in the method and principle of government. ~~As events turned out the new legislature of 1849 was destined to achieve distinction as perhaps the most pivotal and significant in Canadian history.~~

The actual opening of the session at once provided an opportunity for bringing to the front one of the problematical issues, and incidentally for directing attention to others. Elgin made it the occasion for announcing that the imperial parliament had repealed the prohibition in the Act of Union against French as an official language. For the first time in Canadian history the governor-general read his speech in French and in English, and henceforth the French members were not placed in a position of inferiority by listening to the president of the legislative council read the speech in French after it had been read in English from the throne. The new procedure at once produced various and mingled feelings. The French Canadians saw in it not merely a gracious compliment to their racial solidarity and their numerical strength, but also a public declaration by the crown that they were no longer looked on as outcasts and helots in their native land. More important still, they interpreted it to mean that, while Elgin had already publically declared his desire to put Durham's political principles into practice, he now made it clear that he had no

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sympathy whatever with Durham's suggestions for the denationalization and anglicization of the French. Elgin assumed in their eyes the position of a reasonable, practical and honest man, and for the first time they looked up to a governor with full respect and unequivocal admiration. On the other hand, Elgin's action was interpreted with bitter reproaches by "the family compact" and their partizans. It is important at this point to lay some emphasis on their attitude in this connexion. The representative of the crown had urged the repeal of the linguistic prohibition. The imperial parliament had, on the initiative of the imperial cabinet, passed a bill in keeping with Elgin's suggestion and the assent of the queen had turned it into an imperial Act. The governor-general had given to the new situation thus created the dignity of complete approval. It might be thought then that those, who lisped from earliest childhood the word "loyalty," who protested even with oaths that they were the most devoted in the province to the crown, the imperial parliament and the imperial connexion, would have shewn at least some restraint when the governor, imperial legislature and crown combined in any measure affecting the province. Events proved otherwise. The measure had not originated with them, had not their approval, had indeed been opposed by them. When, then, governor and imperial parliament and crown proceeded to do

THE ACT OF CLEMENCY

something which hurt their susceptibilities, or ran counter to their wishes, it was denounced by them in no unmeasured terms, and the fact that it was welcomed by the vast majority in the province only served to emphasize their irritation and to envenom their spleen. When Elgin made his announcement and when he read his speech in French, "loyalty" appeared in garments somewhat drab, somewhat ragged, somewhat contemptible. Nor was it seen any the more decent when the governor announced that the queen was resolved to exercise her prerogative of mercy to those Canadians in exile for the part which they had taken in the rebellions, and that she had ordered him to invite the legislature to pass a measure to give full effect to her act of clemency. Elgin had urged time and again that the foolhardy past should be buried and that the colony should begin to think in terms of the future without the heavy burden of bygone mistakes; that the atmosphere be cleared of suspicion, and that goodwill should shoulder the job of reconstruction which needed the assistance of every honest man. The queen had supported him and in her name he had asked that the generous mantle of forgetfulness be allowed to fall over the sins and follies and errors which unfortunately characterized the history of the province. Here, too, we should have expected that "loyal" men would have supported the clearly expressed wishes of the sovereign to

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whom they professed such extraordinary devotion. Once again this people honoured their monarch with their lips while their hearts were far from her. They expressed their disapproval in language strong and unrefined; and when finally the amnesty became an actual fact and William Lyon Mackenzie returned, they were driven to believe that with them alone lay the deposit of imperial faith, the destiny of the empire, the secret of "loyalty" and that the rest of the world had gone mad. Their "loyalty" was soon to undergo a more severe dissection.

The debate on the address served to disclose the true spirit of loyalty in the province and fully justified Elgin's belief that self-government and responsibility are no more inherently treasonable than government by a privileged and autocratic class is inherently loyal. Papineau proposed an amendment which practically amounted to a censure on British institutions in general and on the Act of Union in particular. He demanded proportional representation for each section of the province. He declared that in any case the two divisions could not live together and that it was madness to continue to govern them as one colony. He announced the inevitability of annexation—"elle n'est plus que une question de temps, nullement un sujet de doute et d'incertitude." Elgin found just cause for congratulation in LaFontaine's brilliant reply. Here was the sus-

A REMARKABLE SCENE

pected rebel of 1837, here was the man denounced as a traitor, here was the French-Canadian leader whom even Bagot had feared to trust with ministerial office standing up to justify the governor-general, finding in his actions the greatest cause for praise and hoisting Papineau on his own petard by pointing out that neither he nor his rebel partizans would have been enjoying their native land, had not the French race joined to make Elgin's experiment a reality. He denounced the suggestion of annexation as totally opposed to French-Canadian ideals. It was a remarkable scene. The tribune of 1837 spoke with all his old charm, all his old persuasiveness, all his old passion—and he sought once more to fan the flame of hatred, to make government impossible. His fellow-countrymen, his old friends remained deaf to his words. The complete vindication of their place in the Canadian sun had robbed agitation of its terrors. Elgin had brought political reconciliation with England and opposition such as Papineau's had passed into the realms of flamboyant and meaningless rhetoric. Papineau's amendment obtained only three votes. The student of history can, however, hardly suppress a smile when he recalls that on the adoption of the address Papineau voted with the conservative minority. Papineau, however, was soon avenged. LaFontaine wished to increase the representation of each division of the province from forty-two to seventy-

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five. In this he had the full sympathy of the governor, who thought the house too small and too unrepresentative. Papineau attacked the proposal as an attempt to amend an Act which he denounced as fundamentally tyrannical. To carry the proposal for changing this section, the Act of Union had laid it down that two-thirds of the members of the assembly must vote in its favour. All the French Canadians supported LaFontaine except Papineau, and as it turned out his vote alone prevented the proposal from being carried. It was a petty revenge, which, indeed, did Papineau more harm than good. The debates on the address and on the increase of representatives served, however, a good purpose. Elgin saw the situation more clearly than ever before. He found that he need no longer fear Papineau's influence and that his ministry was not only loyal, but honest and capable and anxious to carry on the government for the general benefit of the province. Their popularity was phenomenal, their public support strong and solid and things promised well for the future. Their very strength, deep based on a large majority in the assembly and on public opinion, was now destined to put to the test Elgin's whole constitutional scheme.

Before reviewing the great day of trial it is once more well to reconstruct the mentality of the province on the eve of the most critical moment in its history. No details are necessary,

CANADA EAST AND CANADA WEST

but merely such a view of the political situation as will show how volcanic and explosive it was and how prejudices and hatreds had passed all sane and reasonable bounds. Elgin has left us a graphic picture. The new assembly disclosed that no change in opinion had taken place in Canada East, where the complexion of the representation was little altered by the dissolution. In Canada West, however, several of the most populous constituencies had returned liberal reformers. The defeat of the ministry and the advent to power of Baldwin and LaFontaine were due then to a revulsion of sentiment in the British constituencies of Upper Canada. In Canada East nothing had taken place to account for either. These facts, however, to Elgin's surprise did not secure either forbearance or respect from that group in the province who professed most emphatically to be the supporters of British interest. They denounced the legislature as French in its composition and declared that the governor and the government were completely under French influences. Their press broached the wildest doctrines with respect to the right which belongs to a British minority of redressing by violence any supposed indignity to which it may be subjected from such a source. One journal expressed its pleasure that the situation was at least clear and unequivocal: "We are glad of it—the sooner the cloven hoof is made quite visible the better; the obvious intention of

the majority composed of Frenchmen aided by treacherous British Canadians is to force French institutions still further upon the British minority . . . the intention is obvious and we are glad that it is openly shewn. We trust that the party of the government will succeed in every one of their obnoxious measures: When French tyranny becomes insupportable, we shall find our Cromwell. Sheffield in the olden times used to be famous for its keen and well-tempered whittles; well, they make bayonets there just as sharp and just as well-tempered. When we can stand tyranny no longer it will be seen whether good bayonets in Saxon hands will not be much more than a match for a mace and a majority."

Elgin shewed considerable astuteness in regaling the home government with extracts such as this from the "loyal" press, because he was in possession of the full confidence of his ministry and he knew that for the assembly and province there were anxious and passion-laden days near ahead, and he thought it no more than wise to let the colonial secretary form his own opinion of the situation from the provincial journals. He was not, however, content with mere quotations. Doubtless, he said, Grey would be astonished at the violent language, accustomed as he was to the workings of constitutional government in a well-ordered community, but it was impossible for him to judge the Canadian problem at the moment or to estimate

CONSTITUTIONAL ANTAGONISMS

the troubles which were already in sight without remembering that Canadian history since the early decades of the century had been one long contest between representative bodies elected on the most popular basis and executives buttressed by nominated legislative councils and the power of the governors. The scheme of government contained no method in law or custom by which executive power could be brought into harmony with public opinion, and constitutional antagonisms had become the order of the day. To revile the executive and governor had become the test of patriotism, to denounce the assembly the test of loyalty. The consequences were serious. In a society singularly democratic in its structure, where diversities of race supplied special elements of confusion and where consequently it was most important that constituted authority should be respected, the moral influence of law and order was enfeebled by the existence of perpetual strife between the powers that ought to have afforded each other a mutual support. "No state of affairs," declared Elgin, "could be imagined less favourable to the extinction of national animosities and to the firm establishment of the gentle and benignant control of those liberal institutions which it is England's pride and privilege to bestow upon her children."

He continued to hope that with the British principle of harmony at work between executive

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and legislature and with the healing influence of time the evil mentality would disappear. He wished, however, to make it clear to Grey and to the imperial cabinet that to the arrogance and licence of a group who could not make their wishes prevail by constitutional means was due a spirit of antinomian and inflammatory resentment, which the group described as the fair and worthy fruit of the tree of loyalty—which Elgin called the vanguard of treason and rebellion. His correspondence at this period perhaps best discloses him as the objective and judicial-minded follower of Durham. Duty has called him to make an estimate of a state of mind, to sum up for the colonial secretary the possibilities of success or failure, to set real values on political creeds. He writes with perfect calm, aloof from every party, secure in his new constitutional position. He wishes to let Grey know not only actual conditions but grave and immediate future dangers, and in order to accomplish his purpose he analyses professions of political faith with penetrating acuteness and uncanny insight. He could not understand a creed which makes loyalty depend on political power and the fair fruits of offices belonging solely to its professors, and is ready when these are not forthcoming to interpret loyalty in terms of revolutionary propaganda. In other words, he found that there was a party in the province whose devotion to the crown, the empire, to the governor depended on their own

POLITICAL STORM SIGNALS

enjoyment of all the offices, of all the social privileges and prestige. This method of interpreting loyalty in terms of selfishness, of making profit the equivalent of patriotism, was simply outside the conception of Elgin's practical common sense. He could not explain it in any terms of reasonable honesty, in any formula of single-minded sobriety. That it existed at all was his main concern, for it meant that the political storm signals were already out, that his constitutional experiment would have to contend with the forces of political wickedness in high places. On the other hand, whatever he wrote to Grey in private, he was careful to make his public dispatches as vague as possible until the issues cleared. He feared, since they might at any time be asked for by parliament and published as parliamentary papers, that they might be read in Canada and so hurt the dignity and freedom of his new ministry and his new legislature. He did not keep Grey uninformed, but he so protected him, himself, his cabinet and Canada, both before and during the storm, that he robbed it of something of its intensity.

The storm broke, when the ministry introduced a bill described in "loyalist" parlance as "compensation for rebels." Elgin himself thought it "a questionable measure," but he acknowledged, first, that the government would not have survived had it failed to bring forward the proposals, and, secondly, that the measure was rendered almost

inevitable by certain proceedings adopted during Metcalfe's régime by the late ministry. Elgin, then, justified Baldwin and LaFontaine partially on historical reasons, and a brief review is here necessary of the problem before giving an account of the momentous issues which formed an epoch not only in Canada but in the other self-governing colonies of the empire.

During the rebellion of 1837-1838, there had been much suffering and destruction of property and shortly after peace had been restored public attention in both divisions of the province was drawn to this usual and painful aftermath of civil strife. Obviously those who had remained loyal and whose property had suffered at the hands of the rebels deserved first consideration and measures were at once taken to indemnify them. The legislature of Upper Canada and the special council of Lower Canada took action along these lines, but this was held up as there was a general opinion that something more comprehensive was necessary. There had been wide and wanton destruction of property carried out at times by persons acting under authority, but all incidental to such a crisis, and there was a wide-spread opinion that compensation should include such cases. When the united legislature of Canada met, the Upper Canada Act, already referred to, was amended to cover all losses occasioned by violence on the part of persons acting or presuming to act

REBELLION LOSSES QUESTION

for the crown. Nothing was done at the moment to amend the legislation of the Lower Canadian special council, but it was clear that similarity of treatment for both divisions of the province could not be long delayed especially as the French-Canadian members had supported the claims of Upper Canada. In 1845 the tory assembly and ministry under Metcalfe adopted a unanimous address praying the governor to initiate measures "in order to insure to the inhabitants of that portion of the province, formerly Lower Canada, indemnity for just losses by them sustained during the rebellion of 1837 and 1838." The Draper-Viger cabinet doubtless originated and countenanced this procedure as an element in their efforts to gain strength from French Canada. However that may be, action was at once taken in terms of the Address.

A commission was appointed to inquire into the claims of persons whose property had been destroyed in the rebellion. Procedure was rendered difficult by their instructions, under which they were ordered "to distinguish the cases of those persons who had joined, aided or abetted the rebellion from the case of those who had not." On request, Lord Cathcart issued further instructions directing them to make the distinction and classification "by no other description of evidence than that furnished by the sentences of the courts of law." In addition they were also informed that

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they were only to provide a "general estimate" of the rebellion losses, into whose particulars and details there must necessarily follow "minute inquiry under legislative authority." During the session of 1846 the commissioners presented a report in which over two thousand persons were listed, with claims totalling well over a million dollars. The commissioners expressed the opinion that on closer examination the losses would not exceed half that amount. They pointed out, however, that, since investigation had not been included in the legal terms of their commission, they had been forced to rely on data supplied by claimants. The ministry took no action beyond making provision for the payment of certain losses recognizable as just before the union after full investigation. As a matter of fact their failure to gain adherents from Lower Canada chilled any enthusiasm which they may have had for legislation, and perhaps it was well that a ministry with such a precarious tenure and one dependent on Upper Canadian support did not undertake a problem which could only be handled by a government holding the confidence of both sections of the province, if anything like an adequate and final settlement were to be reached.

On the other hand, the action already taken by Metcalfe's ministry had this significance. A tory and ultra-loyalist ministry had recognized by implication in appointing the commission the

THE LESS OF TWO EVILS

claims of French Canada to compensation on principles which had been applied to Canada West. When, then, the ministry fell in March, 1848, and Baldwin and LaFontaine took office with a strong majority behind them, nothing was more natural or logical than their taking up the work begun and left incomplete by their predecessors in office. Elgin confessed that he could see no other course open to them. He disliked any addition to the large debt of the province which could possibly be avoided, but he knew, beyond the shadow of doubt, that failure to complete the work of the previous ministry in redressing "the alleged injustice to Lower Canada" would throw the French Canadians into the hands of Papineau and would undo his own constructive work in connexion with the racial problem. He regretted the obvious justice and necessity of the proposals at a moment in Canadian history when new political and constitutional measures were on trial and the economic situation was nothing if not grave and disheartening. He could only console himself with the thought that the Draper ministry had made action on their proposals inevitable and that when it had been finally taken a formidable stumbling block would have been removed from the path of progress to which he was attempting consistently to lead his ministry and the province. In the final analysis he saw a choice for his ministers between a positive attempt at settlement of the question and a

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complete refusal to do anything. The former was the less of two evils. It was an inheritance from a previous—and that a tory—government, it was looked for by the constituencies to which Baldwin and LaFontaine owed their office. To make it doubtless meant personal distresses, emphasizing discontent, stirring up racial feeling, opening old wounds, but at any rate such a choice contained the hope that strong, fair, and straightforward dealings would in the long run issue in creating conditions emphatically necessary for solid advance. To shelve the matter, to refuse legislation would once more drive the iron into the soul of French Canada and “with Papineau in the rear,” as Elgin expressed it, would have given content to the empty doctrinaire utterances which at the moment were rolling ineffectually from the fervid lips of the once powerful tribune of the people.

In due course, LaFontaine introduced a series of resolutions and subsequently a bill to indemnify the French Canadians for the losses which they had suffered during the rebellion. The proposals aimed “to redeem the pledges given to the sufferers,” by providing that, after “minute inquiry under legislative authority,” such losses should be paid and satisfied as had arisen from “the total or partial unjust, unnecessary or malicious destruction of dwellings, buildings, and properties or the seizure, theft or dispersion of goods and effects.” The bill based on the resolutions laid it down that

REBELLION LOSSES BILL

no indemnity should be paid to persons "who had been convicted of treason during the rebellion, or who, having been taken into custody, had submitted to her majesty's will and been transported to Bermuda." Five commissioners were to be appointed to carry out the provisions of the Act which provided £400,000 for the payment of claims duly proved in law. These sober and moderate proposals were introduced in a speech of calm and carefully chosen terms, but Elgin at once noticed that, however restrained and judicial the ministers might be, there was a deliberate plan on the part of the "loyal" opposition to throw consistency and balance to the winds and to make the whole question one of loyalty or disloyalty. Their leaders took advantage of the circumstances "to work upon the feelings of old loyalists as opposed to rebels, of British as opposed to French, and of Upper Canadians as opposed to Lower and thus to provoke from various parts of the province the expression of not very tempered or measured discontent." The governor soon found himself "rated in not very courteous language," and the minority in the assembly and in the province were enthusiastic and somewhat wild in their anxiety to point out to him how they thought he ought to act and what they thought he ought to do. They could not in the least understand what kind of representative the crown now possessed in the province who refused to act on

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“loyal” advice and was determined to remain dignified and neutral. The tragic events which followed LaFontaine’s proposals might well be left in that quiet resting place of history in which Elgin succeeded in burying them when he successfully urged Grey to take no serious notice of them in his writings on colonial policy. On the other hand, they illustrate so emphatically, if so tragically, the closing scenes in the constitutional and social struggle in Canada that the picture must be painted, however lurid the colours and unfortunate the subject matter.

The legislative assembly room at Montreal presented a strange sight. The thickly crowded government benches—Anglo-Saxon and French—spoke of constitutional unity and political progress after generations of agitation, hatred and passion. The thin ranks of the opposition told of a day that had gone—of privileges departed, of watchwords now ineffectual, of personalities and memories which had served their purpose. On the one hand, was decent faith, a fairly common spirit of generosity and above all a look towards the future filled with hope and ribbed with sunshine through the broken clouds of difficulties which still filled the air. On the other, was a kind of gloomy austerity, a die-hard pertinacity, an assumption of legislative wisdom, an assumed monopoly of patriotism and loyalty and, worse than all, a static conception of the political universe in general and

A BITTER DEBATE

of Canada in particular. The galleries reflected the "colour" of opinion among the members of the assembly, and pressmen vied with one another to give their readers graphic pictures of the debates in settings not unworthy of even modern journalism. In such a scene Sherwood of Brockville opened the speech-making. He could not see why Upper Canada should at all bear any share in the compensation. He defied the assembly, the world, to find anything in history to equal an effrontery which asked those who had taken up "loyal" arms, who had lost their nearest and dearest relatives and friends to recompense those who had drenched the country in blood. The action of the government was a public and open invitation to revolt—it would pay in future to be a rebel. Francis Hincks, the inspector-general, replied in kind. In a moderate opening he pointed out the government's inheritance from the previous ministry and that the proposals followed carefully lines laid down by them. Hincks, however, was not the man to refuse the challenge which Sherwood's scorn for the rebels of 1837 had thrown down. He did not defend them, he did not justify them, but with dramatic gesture and ringing scorn he told Sherwood that he and his party had created them, that the ghastly offspring of rebellion was the due birth from unconstitutional government and autocracy at the hands of a privileged minority. The die was now cast for a bitter and vitriolic debate.

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Allan MacNab addressed the house in terms and manner and phrase shot through with passion. He denounced the French Canadians as rebels and foreigners although not quite so perfidious as the Upper Canadian revolutionaries. In flights of political imagination he declared that Upper Canada was opposed to the measure and would never submit to it, that the Union was in the ultimate analyses begotten in racial sin and conceived in French-Canadian iniquity, that in spite of everything—loyalty, Sydenham, Metcalfe, the British government—the net result of the Union had been to place loyal Saxons under French domination. He then threw back Hincks's insinuation in his teeth. MacNab the cause of rebellion! Had not every thought and word and action of his life testified of undeviating loyalty? Let the government beware, let Hincks beware. The path was slippery, the outlook grave. The people of Upper Canada rather than accept political despair governed by "foreigners," would find it more advantageous to reject alien blood, alien language, alien interest and to accept the rule of a neighbouring people of their own race. J. H. Price, the commissioner of crown lands, rose to reply taking as his theme "undeviating loyalty." He reviewed in not very reverent detail "the family compact" and all their works—they were oligarchs in name and in fact; they besieged each governor in turn and inoculated him with their narrow

POLITICAL TURMOIL

political principles and exclusive social conventions; they had built up a system based on their own advantages and taking no thought for public opinion. As for Upper Canada and the measure, he left MacNab to explain why over a million 'rebels' had voted at the last election for the reform government against less than three hundred thousand votes cast for the opposition. The air was now charged, and W. H. Blake, the solicitor-general, caused the explosion. He too dwelt on the "family compact" in a spirit of loving hatred. He turned it as a delicious morsel of invective under his eloquent tongue. He spared neither Bond Head nor Metcalfe, nor John Russell and he reached the zenith of challenging oratory when he turned on the "loyal and honourable opposition" and called them openly and categorically rebels. MacNab was on his feet in a second—for himself, if Blake meant to call him a rebel, he forthwith and anticipating that meaning called Blake a liar. Blake refused to withdraw the word. The chamber rang with denunciations, the galleries cheered and counter-cheered, blows were exchanged, Blake and MacNab prepared to settle the dispute in personal encounter and were ordered by the house into the custody of the sergeant-at-arms, who only released them on a promise of abandoning their purpose. The house adjourned.

The same evening the opposition called a meeting with Moffat, waving a flag, in the chair.

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Fiery and incendiary speeches were delivered and MacNab urged the crowd to demonstrate before the governor's residence. He bade them be of good courage and play the man as he was ready at a given signal to descend at the head of twenty thousand militiamen to aid and protect the loyalists of Montreal. The "loyalist" press took up the cause, accepted the challenge. The proposals of the government meant that one of the two races must disappear in Canada. LaFontaine was but a masked Papineau. Loyal men must be on the defensive and bide their time for favourable action. If the French Canadians were to gain power, it would be at the price of bloodshed. Meanwhile, the policy of deluging Elgin with petitions was begun, and LaFontaine's declaration that every care would be taken not to compensate rebels was thrown to the winds as efforts were to be made to convince Elgin that his choice lay between "compensating rebels" and standing behind "patriotic and loyal men." The petitions addressed neither the council nor assembly nor the imperial government but Elgin direct, in the hope of compromising his constitutional position and of creating a collision between him and his ministry. He was prayed to dissolve parliament, or to reserve the bill if passed—to act, in other words, in some such way as would give the lie to every principle which he had already enunciated in the Canadas.

A GOVERNMENT TRIUMPH

The next day Blake continued his speech in calmer but no less telling terms, and he reached a plane which ought to have been sufficient to obliterate the past when he appealed in the name of goodwill, civilization and humanity for the two races to forget their passions and to work together for the common good of the province. Papineau rang the changes on the peal of racial passion. LaFontaine once more examined the proposals with generous moderation. He asked why the ministry should be attacked for merely following in the steps of their predecessors and he explained with minute and judicial care the financial proposals which had been misinterpreted and misunderstood. He was willing to accept an amendment excluding from the ambit of the indemnity those to whom reference has already been made. The motion was carried against the votes of the opposition, who had no desire to be a party to the destruction of any part of their political capital—they wished to believe and to say that rebels were being compensated. For several days the storm of debate rose and fell, and the resolutions were finally passed by forty-eight votes to twenty-three. When the bill based on them was introduced the whole battle was refought along the same front, by the same men with the same weapons. At length on March 9th, it passed the assembly by forty-seven votes to eighteen. More interesting perhaps than the huge

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majority is the fact that an analysis of the division shewed that it was carried by a majority in each division of the province.

Meanwhile Elgin was contemplating the situation in anxious but constitutional aloofness. Neither by word nor action did he betray to his ministers, to friend or foe, the storm and stress of his self-imposed and lonely vigil. In a very real sense he was the storm-centre. His own character, his office, his constitutional experiment were daily under the fiercest and most undisciplined fire. The theory which he had enunciated, the principles which he had laid down were being put to a terrific test. Throughout the ordeal he stood aside. He neither excused himself nor defended himself—but he left responsible government to take care of itself. On the other hand, these dark and anxious days were not rendered barren by the weight of care and sorrow. During them Elgin's correspondence with Grey discloses the greatness of the governor's mind, its seminal practicability and its strong sense of duty. The petitions pile up before him. He is called on to dissolve the house. He does not brush the suggestion aside as mere undisciplined impertinence. He examines it and reaches a conclusion. To dissolve might have precipitated another rebellion, certainly it would have meant no change in the ministry. The opposition knew this, and "if it had been possible to play tricks in such grave concerns it would have been easy to

ACCEPTING RESPONSIBILITIES

throw them into utter confusion by merely calling them to form a government." Elgin felt that the suggestion was meant merely to discomfort him and was not an honest plan to assist in resolving the issues. He refused it as unworthy of the sincerity to which he gave his office. Or, he is called on to reserve the bill—a course *a priori* open to less objections. Here was an obvious loophole in a delicate situation. Here was a method to save himself from much trouble. By throwing the onus on the imperial cabinet he would have been able to slip out of a network of complications with much of the appearance of constitutional neutrality. Elgin, however, was never the man to shirk responsibilities, to take the line of least resistance, or to follow a policy of peace for the mere sake of temporary convenience. He possessed the priceless gift of long views, and his conclusions were arrived at after careful scrutiny. He could not see that any sufficient reasons existed for reserving the bill, when the measure for Upper Canada, couched in terms almost similar, had passed into law without reservation. Discriminatory action on his part, with this precedent in view, would at once give the lie to his principle of constitutional neutrality. In addition, a careful examination convinced him that he had no right to throw on the imperial cabinet a responsibility which ought to rest on his own shoulders. If the worst came to the worst he was perfectly willing to be sacrificed, but if the bill

were reserved and in the issue assent was refused in England, the Queen might be in the ignominious and ambiguous position of, if not provoking another rebellion at least of throwing French Canada into the hands of Papineau, who only needed such an occasion to breathe spirit and life into his valley of political dry bones. On the other hand, were the Queen to assent to the bill after Elgin had reserved it, she would undoubtedly wound the susceptibilities of some of the best subjects whom she had in the province. For, declared the governor, "among the objectors to this bill are undoubtedly to be found not a few who belong to this class, men who are worked upon by others more selfish and designing to whom the principles of constitutional government are unfathomable mysteries, and who still regard the representative of loyalty, and in a more remote sense the crown and government of England, if not as objects of a very romantic loyalty (for that I fear is fast waning) at least as the butts of a most intense and unrelenting indignation if public affairs be not administered in entire accordance with their sense of what is right."

In weighing the issues, Elgin felt that the decision rested with him. Of course, at every move he knew that he had Grey's full confidence and to him he opened his mind in their private correspondence with the fullest freedom. What Elgin could not expect—indeed what he studiously

WEIGHING THE ISSUES

avoided—was Grey's official approval in making his decision. He wished to preserve Grey from any public statements which might initiate the evil effects which Elgin thought would flow, as we have seen, if the final decision were taken in England in the name of the Queen. With wisdom for the moment in his own aloofness, with helping Grey to steer clear of precise answers by curtailing his public dispatches, and with hope that the minority—narrow and bigoted though they were—would begin to see that rule by a majority within the province was preferable to the prospect of rule by a neighbouring power, Elgin built up his faith. He only dreaded that "the gales from England would stir the tempest." Here, alas, his fears came true. Post after post brought to Canada speeches and articles denouncing in unambiguous terms "the suicidal folly of rewarding rebels for rebellion." One London newspaper declared that it was glad to know that the British population of the province were "tolerably able to take care of themselves." It added: "We very much misconstrue the tone adopted by the English press and the English public in the province, if they do not find some means of resisting the heavy blow and great discouragement which is aimed at them."

It is not possible to reconstruct the influence which public declarations of this nature had on the situation, but it is reasonable to suppose that at the very lowest estimate they did not tend to

soothe the fiery spirit which was abroad. Meanwhile Elgin waited, giving no public sign of his anxiety, for the final vote on the measure in the legislature. When he analysed the lists, he found with undisguised pleasure that it had been carried by a majority in Canada East and in Canada West. This fact seemed to him entirely irreconcilable with the allegation that the question was one on which the two races were generally arrayed against each other. His mind, with this analysis in view, now passed to a final resolve. To reserve the bill would mean that the executive head of the province had not the courage to act on the clearest demonstration of public opinion as expressed in accordance with British constitutional principles, and was willing, in making this great refusal, to throw responsibility where it ought not to rest on any grounds of morality or common sense. It would further awaken "in the minds of the people at large, even of those who were indifferent or hostile to the bill, doubt as to the sincerity with which it was intended that constitutional government should be carried on in Canada." Such doubts, Elgin was firmly convinced, if they were to obtain generally, would be fatal to the imperial connexion. His resolution was taken. He would assent to the bill in due course. The importance of the decision was ultimately so momentous in history that there has been a disposition, quite natural under the circumstances, to gather round

A CASE OF COMPROMISE

it the glamour and romance which belong to a great moral victory out of a tremendous and clear-cut issue between the forces of light and darkness. Elgin, however, was the last man to claim any recognition as a political hero. He knew well enough that statesmanship is never a choice between the light of virtue and the abysmal darkness of depravity. "My choice," he declared, "was not between a clearly right and clearly wrong course—how easy it is to deal with such cases and how rare they are in life—but between several difficulties. I chose the least." It is well for a nation to idealize moments in its past, to lift compromises, or least resistances, which have been fruitful and creative, into the realms of honour and fame—all that is the twilight world of national tradition from which it does and will draw daily inspiration and incentive to high endeavour and great deeds. On the other hand, such procedure must not allow us to obscure the historical occasion or the historical character. And assuredly Elgin stands out all the more wonderful in the perspective of the years, when we look back to his moment of decision and remember that it was that of a modest, moderate, practical man, who made it in the interests of avoiding as many complications as possible. At any rate, that was his own deliberate opinion of his action.

On April 25th, 1849, circumstances demanded that Elgin should proceed to parliament to assent

to a customs bill which had just received final legislative approval. This necessity afforded him an opportunity to assent to the "Act to provide for the indemnification of parties in Lower Canada whose property was destroyed during the rebellion of 1837 and 1838." Elgin welcomed the chance which the urgency of the customs bill afforded him of bringing matters to a head. He thought that he should no longer keep the public mind in suspense and that further delay could only issue in increased irritation in banking up the intensity of the storm which seemed inevitable. When he gave his assent, the storm broke within the legislative council chamber. The tories who crowded the galleries gave utterance to loud cries of despair which even drowned the applause from the liberal-reformers present. When Elgin left the building he was received with mingled cheers and hootings by a crowd which surrounded the entrance to the building. A small group of the most respectable class in society pelted the carriage with missiles which they must have brought with them for the purpose. Within an hour of these manifestations of "loyalty," a notice was issued by one of the newspapers calling an open-air meeting on the Champ de Mars, where, under the chairmanship of Moffat, inflammatory speeches were made, and resolutions were passed addressed to the queen praying her to disavow Elgin's assent and immediately to recall him. Suddenly, whether of malice aforethought or

TUMULT AND INCENDIARISM

acting under momentary excitement, the mob marched to the legislative building where the assembly was still sitting. The windows yielded to showers of stones. An advance was made. The crowd, now infuriated, entered the chamber, smashed the furniture and fittings and seized the mace—"saxon hands" were trying conclusions with "a mace and a majority!" The members fled before the fierce charge. One of the fiery spirits seated in the speaker's chair, proclaimed in the name of the people the dissolution of parliament. A moment later fire broke out, and in the midst of panic the members of the assembly marched out in procession with the speaker at their head from their refuge in the library. Before anything could be done, the beautiful building was burned to the ground, and two excellent libraries and the archives of the province perished. Having contemplated their handiwork and found it good, the crowd refrained from attacking the enraged legislators or from seeking a collision with the soldiers who had been summoned to prevent the fire from spreading. For some days, however, the mob virtually controlled the city, their passions fed by tory newspapers, which counselled extreme measures against all of the French race or name. LaFontaine's house was attacked and his library of books and manuscripts was destroyed. Elgin and the ministry kept their heads. They did not at first realize the passionate nature of the situation and

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they can only be excused for not making more adequate preparations against disorder by their conviction that MacNab and the opposition leaders would not lose all sense of decency and public decorum. The military force was now increased and the fiery orators feebly attempted to ride the whirlwind and direct the storm of their undisciplined partizans. Quiet temporarily returned, and the parliament continued its sittings in provisional quarters under the protection of bayonets.

One of the first acts of the assembly, after the day of fire and rapine, was to vote, by thirty-six votes to sixteen, an Address to Elgin in which they expressed sentiments of grief and indignation for the acts committed by the mad rioters. They approved the justice and impartiality of his administration and concluded by assuring him of their loyalty and attachment to the person and government of the queen and by offering her through her representative their entire support for the maintenance of public order and civil rule. The occasion saw a modicum of sobering. Some who had voted against the bill condemned in unequivocal terms the violence and passion. Others, alas, having forgotten nothing learned nothing. One member told the ministry that French Canada had been deliberately armed against the British. MacNab declared that the cabinet, having proclaimed that loyalty was a

HIS LIFE IN DANGER

farce and that rebellion was permitted, were only reaping the fruit of their doctrines. The debate was, on the whole, along the old and bitter lines. At length it was arranged that Elgin should receive the Address at government house—then the old Château de Ramezay on Notre Dame Street—and on April 30th he drove from Monklands to the city, escorted by a troop of volunteer dragoons and accompanied by several of his staff. In spite of his escort, he was greeted with showers of stones and with difficulty he protected his face and head from injury. Shewing no signs of alarm, he replied to the Address, expressing his fullest approbation of the actions of the legislature and his undiminished confidence in the civil authorities and in all loyal and decent citizens. On his return he tried to avoid any renewal of the disgraceful scenes by going back another way. The mob, however, discovered his purpose and calling in aid every type of vehicle they pursued him and finally crossed his route. Several of the staff, troops and police were injured. Every panel of the carriage was destroyed and only furious driving saved the governor himself.

Elgin now turned his political and constitutional aloofness into a physical retreat. For several weeks he confined himself within the bounds of Monklands, determined that he would give the mob no further occasion for sin. His private secretary tells us that during all this self-

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imposed discipline he was perfectly calm and cool, never for a moment losing his self-possession. When advised by those of less clear foresight and less sound judgment to make use of strong military protection and to continue his customary visits to the city, he uniformly rejected the advice, because it would have meant beyond doubt bloodshed. "I am prepared," said Elgin, "to bear any amount of obloquy that may be cast upon me, but if I can possibly prevent it, no stain of blood shall rest upon my name." The tory press attributed his wisdom to fears for his own safety, but Elgin rose above the scurrilous imputation in the dignified silence of his contempt, and he made no effort to refute it. He was far more anxious to alleviate a condition in which minorities professed to think that in the final analyses they could rule the province to their own liking and by force at the expense of legality and established forms. He was quite prepared to resign and offered his resignation to Grey, who had the insight and wisdom to refuse its acceptance. He was not prepared to surrender one atom of his constitutional principles, nor even to resume his normal living conditions as long as there was the least danger that they should endanger those principles by providing an incentive or opportunity for public disorder. Unfortunately his troubles were not ended. The British parliament did not possess as a body those virtues which have made Grey famous. The Rebel-

HIS COURSE APPROVED

lion Losses Act was debated in the imperial legislature at great length. Gladstone, adopting a course at variance with that of Peel, his leader, attacked the bill as a measure for compensating rebels and declared that Elgin should have appealed for advice to the imperial authorities at the very beginning and before public opinion had been worked up in the province. Herries followed and moved an address to the queen praying for the disallowance of the Act. For two nights a warm debate was carried on, in which not only the prime minister, Lord John Russell, but Peel, the leader of the opposition, defended both the act and the governor with force and logic. Peel, indeed, outdid the government in his support. He laid emphasis on the general intention of the Act to avoid compensating rebels, that it was the inevitable sequel to previous legislation, and that its disallowance would be generally interpreted as an arbitrary interference with the rights of self-government. Herries's proposal was overwhelmingly defeated, and the large majority supporting Elgin's course was sufficient to discount the fact that a motion in the same sense was only negatived in the house of lords by a proxy vote.

The final news from England served to quiet public opinion in the province and at once produced a marked result. The tory press first reflected the change and the leading articles took on a colour less lurid. Another note was soon heard.

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The tories saw that abuse of the French was going to get them nowhere and that they must learn to live with them on terms of toleration if not of amity and affection. The Baldwin-LaFontaine cabinet did all in their power to second Elgin's wise moderation and to turn into remunerative channels the newer conditions. They reappointed the old commissioners of the Draper-Viger régime and furnished them with instructions to place upon the Act the most restricted and loyalist construction of which its terms were capable. "Truly," said Elgin, "if ever rebellion stood upon a rickety pretence, it was the Canadian tory rebellion of 1849." All, however, did not go well. The mob once more got out of hand and LaFontaine's house was once more attacked and riots followed upon the arrest of disturbers. Elgin was urged to take vigorous measures. As of old he was beyond the ephemeral effervescence of passion. He told his council that he "would neither consent to martial law nor to any measures of increased vigour whatsoever until a further appeal had been made to the mayor and corporation of the city." The civic authorities followed his advice and enrolled a large number of special constables, and before long Elgin's hope that "common sense" would return was realized.

On the other hand, Montreal suffered a penalty to the possibility of which reference was made during the legislative debates on the day following

MONTREAL PUNISHED

the first outbreak. Baldwin and LaFontaine informed the governor that it was impossible to maintain the seat of government at that city, and that the parliaments should otherwise meet alternately in Upper and in Lower Canada. The French Canadians were perfectly willing to go to Toronto for four years at the end of the sitting parliament, but they insisted on Quebec as the first point of meeting. Elgin did not see any wisdom in the suggestion, rather he feared that it might be interpreted that the ministry was entirely under French-Canadian influence and could not maintain itself in Upper Canada. He advised strongly a reconsideration of the suggested changes and hoped that Montreal might be forgiven. The factious spirit, however, continued and the tories failed to unite on an address asking Elgin to return to the city. He viewed this as significant evidence of ill-will, especially as he had deprecated the removal from Montreal. "The existence of a party," he declared, "animated by such sentiments, powerful in numbers and organization and in the station of some who more or less openly join it—owing a qualified allegiance to the constitution of the province—professing to regard the parliament and the government as nuisances to be tolerated within certain limits only—raising itself whenever the fancy seizes it, or the crisis in its judgment demands it into an *imperium in imperio*—renders it, I fear, extremely doubtful whether

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the functions of legislation or of government can be carried on to advantage in this city. 'Shew vigour and put it down,' say some. You *may* and *must* put down those who resist the law when overt acts are committed. But the party is unfortunately a national as well as a political one; after each defeat it resumes its attitude of defiance; and, whenever it comes into collision with the authorities, there is the risk of a frightful race feud being invoked. All these dangers are vastly increased by Montreal's being the seat of government." In addition, not a few of the country members declared that they would never return to spend some months of the year in "that hotbed of prejudice and disaffection," whose factious press, enjoying the distinction coming from a metropolitan city, would be looked upon in America and England as expressing the sentiments of the province at large. On November 18th, Elgin informed the imperial authorities that he had agreed to the advice of his ministers that the legislature should sit alternately at Toronto and Quebec, and that the next session would be summoned to sit at Toronto. The arrangement, though not without drawbacks, worked better than might have been expected and continued to confederation. It had the important advantage, whatever its defects, of bringing together the representatives of the two races in characteristic cities and of removing feelings of alienation and isolation. Prejudices

HIS VISIT TO UPPER CANADA

were smoothed out, toleration was widened and contemporaries were not slow to see in the plan a strong incidental force when the creation of the Dominion of Canada was under discussion a few years ahead. The new spirit, however, slowly permeated society. Elgin, it is true, was received with the utmost cordiality during a tour *en famille* in Upper Canada and attended by only one aide-de-camp and servant "so as to contradict the allegation that he required protection." But the old "family compact" group continued to be the dominant class in society, and though political power had passed from their hands, they sought to weaken Elgin's influence and to detract from his popularity. Indeed, such was their social prestige that their attitude infected opinion in England. Elgin thus acquired a reputation for deficiency in nerve and courage among many who appreciated his political capacities. He took no pains to correct this estimate, and it did not disappear until dispelled by the energy and boldness which he subsequently displayed in China. He carried to an extreme point the spirit of forbearance and maintained that his personal character was nothing if his attitude succeeded in narrowing in any degree the possibilities for discontent.

As Elgin reviewed the trying events which the province had experienced he had every cause for congratulation. "My business is to humanize not to harden"—he declared, and beyond all doubt he

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succeeded. He thanked heaven that he had no blood upon his hands and to that fact more than to any other he attributed the growing respect for constitutional government. He had the good fortune to watch the policy of forbearance which he had adopted bear good fruit, but the crises cost him much personally. He alienated from himself the adherents of the government who felt that if the tables had been turned, if they and not their adversaries had been resisting the law of the land and threatening the life of the queen's representative, a very different course of repressive policy would have been adopted. At the same time, he gained nothing with their opponents, who grew bolder and bolder in audacity and added the charge of personal cowardice to their other insults and outrages. At home, he lost much moral support, for even the government, while supporting him, were sorely puzzled. Grey and Russell both felt that he was either right or wrong—if the latter he ought to have been recalled, if the former he ought to have made the law respected. Finally, he lost any chance of moral support from "the primitive constitutionalists" of the United States, who, though they believed him right, could not understand why he did not "shoot down" the breakers of public peace.

Time brought the conviction of statesmanship to his policy. Elgin tells a story, which illustrates his wisdom. We cannot better conclude this chap-

THE BEST COURSE

ter than by using it in its full setting at the close of one of his most brilliant letters: "I do not as you may suppose often speak of these matters, but the subject was alluded to the other day by a person . . . one of our ablest men, and he said to me: 'Yes, I see it all now. You were right—a thousand times right—though I thought otherwise then. I own that I would have reduced Montreal to ashes before I could have endured half what you did; and,' he added, 'I should have been justified, too.' 'Yes,' I answered, 'you would have been justified, because your course would have been perfectly defensible, but it would not have been the *best course*. Mine was a *better one*.' And shall I tell you what was the deep conviction on my mind, which, apart from the reluctance which I naturally felt to shed blood (particularly in a cause in which many who opposed the government were actuated by motives which, though much alloyed with baser metal, had claims on my sympathy) confirmed me in that course? I perceived that the mind of the British population of the province, in Upper Canada especially, was at that time the prey of opposing influences. On the one hand, as a question of blood and sensibility, they were inclined to go with the anti-French party of Lower Canada; on the other, as a question of constitutional principle, they felt that I was right and that I deserved support. Depend upon it if we had looked to bayonets instead of reason for a

triumph, the *sensibilities* of the great body of which I speak would soon have carried the day against their *judgment*. And what is the result? Seven hundred thousand French reconciled to England—not because they are getting *rebel money*—I believe indeed that no *rebels* will get a farthing; but because they believe that the British governor is just. ‘Yes,’ you may say, ‘but is this purchased by the alienation of the British?’ Far from it; I took the whole blame upon myself; and I will venture to affirm that the Canadian British never were so loyal as they are at this hour; and, what is more remarkable still, and more directly traceable to this policy of forbearance, never, since Canada existed, has party spirit been more moderate and the British and French races on better terms than they are now; and this in spite of the withdrawal of protection and of the proposal to throw on the colony many charges which the imperial government has hitherto borne. Pardon me for saying so much on this point, but *magna est veritas*.”

Elgin’s chief source of congratulation was derived from the conditions and results of which he wrote with such insight, but he felt, as indeed he could not help doing, that in taking the whole responsibility on his shoulders he had robbed the storm of much of its violence and such as would have been most dangerous to the imperial connexion. Unfortunately, the clouds had not dis-

UNSETTLED WEATHER

appeared. There were bits of blue here and there in the sky—but, on the whole, even when the Act had passed into legislative accomplishment and the fiercest passions had spent themselves, the general outlook was one of light and shadow, with the barometer pointing to unsettled weather. Had the issues involved been fought out amid conditions of prosperity, the air might have cleared. As it was, the struggle had gone on amid general economic gloom, and a feeling of material depression; and scarcely had the Act taken its place as a *fait accompli*, when Elgin was called on to face distressing by-products of these conditions, and in turn to seek some method of meeting them honourable to the crown, to himself and to the province, and at the same time laden with the tangible possibilities of general prosperity—to pluck the flower of safety out of the dangerous garden of despair.

CHAPTER V

THE REMEDY FOR ALL ILLS

THE events which have just been described constitute the central interest during Elgin's administration. Henceforth the dramatic intensity is lowered and provincial life takes on a more mundane aspect. On the other hand, the mentality of suspicion and irritation to which the Rebellion Losses Bill gave rise did not have an opportunity easily to die down. Broadly speaking a political ferment usually subsides within a comparatively short period, especially when it is evident that the prophecies of gloom and disaster which accompanied it were after all mere camouflage and that dire results did not follow the courses of action taken. Unfortunately for the Canadas the great constitutional decisions which were made during 1849 coincided with an unparalleled period of economic distress due in no way to Elgin or to his ministers. Those who opposed the governor's principles were not slow to capitalize the political situation in the interests of an economic campaign which might have resulted in a political future for the province singularly out of keeping with the very *raison d'être* of the tory and loyalist party.

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As a consequence the constitutional air had not time to clear after Elgin's dramatic vindication of his office, of responsible government and of the French Canadians' place in the sun. No sooner had his principles passed into recognition both by the majority in the province and by the imperial cabinet and legislature, than the very fact was turned into an occasion for giving an ugly colour to the economic discontent, an attempt being made to organize it along dangerous if not treasonable lines.

As events turned out Elgin came through the ordeal with both political and economic honours, and it is possible to watch his development as a great imperialist and a sound financier. His success, however, in this connexion had in it nothing of the brilliant and quick *dénouement* which followed the firm decisions which he had made in the constitutional sphere. Here was a situation no longer local and provincial, but part and parcel of policies over which the Canadas had no control; and efforts to meet it were conditioned by circumstances and personalities unconnected with provincial life. Progress was slow and almost imperceptible, and Elgin lived in daily dread that the mundane and pedestrian canker of economic and financial depression would destroy his constitutional experiment, or at any rate rob it of its richest accomplishment. In passing then from his "crowded hour of glorious life," which

THE TRADE QUESTION

the Rebellion Losses Bill filled at the expense of everything else, we enter on a long drawn out struggle almost wholly concerned with material things. The history is by comparison dull, the issues more prosaic, the tension less intense, the action slow and tedious. On the other hand, it is certain that Elgin's final triumph over the economic gloom and its accompanying spirit of despair was the real guarantee that the achievements of his "crowded hour" were to remain permanent. In order then to understand the difficulties of the problem which Elgin handled with such remarkable results it is necessary at this point to provide a short historical background.

During the twenty-five years before Elgin's arrival in Canada there had been a feverish activity in canal building with the hope of turning the St. Lawrence into a great industrial highway and of diverting trade from the Erie canal route. Indeed, by 1846 the Canadian canal-system had reached such proportions that Montreal was already hoping to rival New York. Of course, the St. Lawrence route suffered through natural handicaps, but these were in a degree offset by the existence of the Navigation Laws, by the system of colonial preference, and especially by the advantage since 1843 of a fixed duty of a shilling a quarter on wheat cleared, in natural or manufactured form, from Canadian ports. Under this regulation there rapidly grew up, as we have seen, an enormous

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export trade, and the Canadas were beginning to enjoy unparalleled prosperity. Colonial grain had a special preference in the British market since 1828. American wheat had been admitted duty free to Canada since 1831 and vast quantities were imported, ground into flour and shipped to England, where it was admitted at colonial preferential rates. In 1843, Peel's government granted Canadian wheat and flour a new and special preference. As soon as the Canadian legislature passed an Act imposing a duty of three shillings a quarter on all imported American grain, the imperial cabinet promised that all grain cleared from Canadian ports, whatever its origin, would be admitted to England at a fixed rate of a shilling a quarter instead of on the old preferential sliding scale. The Act aimed to encourage the milling trade in Canada and to turn to economic advantage the new system of Canadian canals. An enormous impetus was thus given to trade along the St. Lawrence, which even before 1843 was growing by leaps and bounds, while between 1843 and the close of 1845 the volume of flour manufactured in Canada and exported to Great Britain was well in excess of Great Britain's total importation of flour from all other parts of the world. Economic progress was dazzling in its speed. Unfortunately for Canada, changes were in the air, and more unfortunate still Canada had no say in the issues. Peel was becoming more and

REPEAL OF THE CORN LAWS

more convinced that the continuance of the British protective system could not be defended. At length he came out into the open, and on June 26th, 1846, the Corn Laws were repealed, although colonial grain was to receive a preference until February, 1849. In addition, a tariff act of the same date reduced the differential duty in favour of colonial timber, and there was open acknowledgement in the house of commons that this meant bankruptcy for the Canadian trade and the annexation of the province to the United States. The reference is important as it is the first mention of annexation as a possible outcome of Britain's new economic policy.

The announcement of these changes in colonial preference struck Canada dumb, and Cathcart, Elgin's predecessor, forwarded a strongly worded dispatch to Gladstone, the colonial secretary. He pointed out that a vast expenditure had taken place on the canal system, which would be rendered valueless under the changes. The shorter and less icebound Erie Canal route would soon kill the Canadian system, which owed its prosperity to the colonial preference. If the grain trade of the St. Lawrence was forced to enter into open competition, there would be no course open to the province but to repudiate its debts incurred in the construction of the canals. Gladstone's reply was full of poor comfort. He told of the necessity of cheap food for the British people; but he had

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sincere faith that in spite of everything the Canadian timber, wheat and flour trade would survive, especially as he hoped to see transportation rates reduced. How all this was to be accomplished Gladstone left the Canadas in blissful ignorance, where the deeps of gloom soon began to call to each other. Protests were in vain and by February, 1846, what Elgin later described as "the downward progress of events" began. The first whispers of annexation were soon heard and boards of trade issued warnings that the new system might slowly but surely draw Canada from its imperial allegiance. So general were the apprehensions that the press of the United States began to honour Peel and his fellows, who, in virtually presenting a new state to the Union, were worthy of a place among the republican fathers. However that may be for the moment, pressure on the imperial government did not relax in the Canadas, and late in the session of 1846 an imperial Act was rushed through empowering the Crown to assent to colonial Acts reducing or repealing protective duties imposed on foreign imports. Canada at once took advantage of its new fiscal freedom, and in the budget of 1847 duties on manufactured goods imported from the United States were reduced from twelve and a half to seven and a half per cent and were raised from five and a half to seven and a half per cent on British manufactured goods. In addition, the Canadian legislature for-

RECIPROCITY NEGOTIATIONS

warded an address to the queen praying that negotiations be opened with the United States for reciprocal trade with Canada.

The imperial cabinet in due course replied that instructions would be issued to the British minister at Washington to avail himself of the earliest opportunity to press the matter there. When the minister found, as he thought, conditions favourable, he came to Canada to discuss the matter with the Canadian government, and in December, 1846, he formally proposed at Washington that reciprocity negotiations would be welcomed. With the opening of Congress in December, 1847, the British chargé d'affairs, J. F. Crampton, pressed the idea strongly in interviews with the secretary of the treasury, and he was able to use newer arguments with which he had been furnished by Hamilton Merritt, one of the ablest business men in Canada, who had become convinced that reciprocity alone would save the province from ruin. On Elgin's arrival, Merritt urged on him the necessity of action and explained to him the seriousness of the situation. Indeed, Elgin's early dispatches, which we have already quoted in this connexion, owed something of their emphatic setting to Merritt's insight into the problem. Already Elgin saw the spectre of annexation spread its hands over the colony, and, as he confessed, he began his administration in the midst of a fairly widespread conviction among the com-

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mercial classes that annexation was the cure for a distress which in his opinion bordered on the one hand on tragedy, and on the other almost on comedy, since under the new free trade régime the Navigation Laws were absurdly retained and Canadians could not compete with the Americans in British markets.

Elgin at once set himself to an earnest consideration of the complicated problem, which the growing depression forced more and more on his attention, and early in 1848 he sent Merritt to Washington, where Crampton introduced him to the president, the secretary of the treasury and leading members of congress. He appeared before the commerce committees of both houses, and pleaded with apparent success for a reciprocity convention, for Grey informed Elgin that Merritt had dispelled the fears of these committees that reciprocity would hurt American markets. The governor-general did his utmost to advance Merritt's activities and out of them emerged a reciprocity measure, which passed the house of representatives on July 12th, 1848. The bill was reported a few days later to the senate, but received no further consideration during the session. Meanwhile, Grey had been considering whether the Canadian legislature could proceed by legislation to arrange a tariff with a foreign country. At length, Elgin was instructed that as reciprocity concerned Canadian welfare more than

ALTERNATING HOPES AND FEARS

that of Great Britain, the Canadian legislature could decide the issues.

Hopes now began to run high in Canada that the period of depression would soon pass. Elgin was keeping in close touch with the situation in Washington and he continued to press in London for the repeal of the Navigation Laws. He pictured Canada asking not favours but justice and unable to reconcile its loyalty to an imperial system which, on the one hand, deprived it of all protection in the markets of the mother country and, on the other, subjected it to a discriminating duty in the guise of a law for the protection of navigation. He pointed out the danger of bringing into collision the material interests of the colonists and their promptings of duty and affection. The imperial government moved slowly. Although legislation was promised, the burden of domestic concerns proved heavy and it was not possible to provide for the repeal until late in 1849. During these months the Canadian situation grew more complicated. Faith now looked to Washington or to London. Would the Navigation Laws go, would reciprocity come? Elgin has given us many a graphic picture of the alternating hopes and fears—men sought help on all sides in a deplorable situation which Great Britain had created, with the governor and government in hourly dread that the whole provincial financial fabric would collapse. At length the British government, though

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woefully slow in relation to the Navigation Laws, informed Elgin that reciprocity would be strongly supported provided the Canadian legislature would make it clear that the law bringing it into effect did not provide "for differential duties in favour of the United States." Grey's dispatch seemed to tell of hopes, but they were vain. The reciprocity bill failed to pass the senate in spite of strong support and excellent arguments in its favour, and in January, 1849, Canada knew that reciprocal trade was temporarily dead. According to Crampton, as Grey informed Elgin, the measure was killed by the southern senators because it was generally supported in the north. All sorts of complications were now abroad, with proposals and counter-proposals coming out in ill-digested form and only serving to make confusion more confounded. Crampton continued at Elgin's request to work behind the scenes and to use Merritt to the best advantage at Washington. The only outcome was a clear indication on the part of the American executive that reciprocity must come, if at all, by mutual legislation and not by treaty. Meanwhile on April 25th, 1849, Canada gave evidence of her good faith by passing an Act offering free admission of certain American raw materials whenever similar Canadian articles received like treatment. The date is ominous. That day Elgin assented to the Rebellion Losses Bill. Thus the economic distress—born in the repeal

TALK ABOUT ANNEXATION

of the Corn Laws, accentuated by the continuation of the Navigation Laws, shorn of hopes in the failure of the reciprocity negotiations—takes on a colour of tragic danger from the intensity of the political struggle.

It is well, at this point to get Elgin's view of the situation. In the middle of the debates on the Rebellion Losses Bill, his mind was not diverted for a moment from the commercial distress and he heard with alarm ominous suggestions that annexation might prove the real cure for Canadian troubles—political and economic. "There has been," he wrote, "a vast deal of talk about annexation . . . if half the talk were sincere I should consider an attempt to keep up the connexion with Great Britain as Utopian in the extreme. For, no matter what the subject of complaint, or what the party complaining—whether it be alleged that the French are oppressing the British or the British the French—that Upper Canada debt presses on Lower Canada, or Lower Canada claims on Upper; whether merchants be bankrupt, stocks depreciated, roads bad, or seasons unfavourable, annexation is invoked as the remedy for all ills, imaginary or real. A great deal of this talk is, however, bravado, and a great deal the mere product of thoughtlessness. Undoubtedly it is in some quarters the utterance of very sincere convictions; and if England will not make the sacrifices which are absolutely

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necessary to put the colonists here in as good a position commercially as the citizens of the States—in order to which *free navigation and reciprocal trade with the States are indispensable*—if not only the organs of the Corn League but those of the government and of the Peel party are always writing as if it were an admitted fact that colonies, and more especially Canada, are a burden, to be endured only because they cannot be got rid of, the end may be nearer at hand than we wot of.” This dispatch to Grey is dated March 14th, 1849. Three months later, when tory discontent has been added to commercial despair, Elgin wrote in anxiety to urge Great Britain to give to Canada the compensation refused by the rejection of reciprocity. Unless something was done, he declared, political and commercial conditions would unite in Canada in “a combination of a very serious character against the truest interest of England.” On the other hand, his firm conviction was that in reciprocity with the United States would lie the greatest boon for the colony and greater than any that Great Britain could bestow. Elgin’s insistence on some action initiated, as we shall shortly see, a method of negotiation which was ultimately successful. It is necessary, however, to turn aside from the history of reciprocity and to consider “the combination” of tory disappointed loyalty and of genuine commercial distress which hurt Elgin’s feelings and his imperial

THE MANCHESTER SCHOOL

pride more than all the filth and missiles of the infuriated rabble a few weeks previously.

In order more clearly to appreciate the situation and to understand its gravity in Elgin's eyes, it is well at this point to review shortly the varieties which existed in British public opinion. In England there had gradually grown up a new school of thought, which advanced economic and political beliefs almost revolutionary in nature. To them was due the intellectual strength of the free-trade movement, which they buttressed with the principles of *laissez-faire* philosophy and the alleged natural rights of the individual and the state to free material competition. In politics their teaching was no less clear cut. They denounced the entire system of imperialism in relation to the colonies as a brake on the wheels of colonial nationality, as a thing which too easily beset it in the race for freedom. This Manchester school, however, was broadly speaking divided into two groups when the problem of actual measures came to the front. Its more conservative members would grant the colonies complete self-government, and in return for this opportunity in free development would withdraw from them any privileges which they enjoyed, such as colonial trade preferences and imperial defence. The radical group believed that colonies hampered Great Britain in peace and in war, and that they suffered through the imperial connexion in that their inevitable

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destiny of independence was delayed, while the colonists themselves lost proportionately in their arrested national development those great gifts of individual liberty and personal freedom which constituted their fundamental birthrights. In addition, it was high treason against the human race to continue to harness these young potential nations to the worn out systems of Europe. The merest tyro in philosophical politics must see that it were better far that in the glory of untrammelled youth they should work out their high destiny and confer on men newer benefits of liberalism.

Fundamentally the changed economic policy of Great Britain was a triumph for the Manchester school. What worried Elgin and the men of vision who belonged to Durham's group of liberal imperialists, was the question whether economic changes would react on political theory in such a way as to give to political radicalism sufficient strength to break up the empire. It is somewhat difficult for us to-day to appreciate the difficulties of Elgin's situation. Before his very eyes the new economic policy was producing a commercial tragedy, while with his own hands he was working out the new political policy of responsible government. He was far from clear about the future. He pinned his faith to his political experiment, and he continued to hope that it would preserve the empire to which his deepest convictions, his most devoted loyalties were given. But he was beset

COLONIAL SEPARATION

with fear that the economic distress would not be afforded an opportunity to disappear along economic lines, that in some way politics would use it for base and ignoble ends. We can, then, in some degree sympathize with him when he found that one of the best organized groups in England was openly preaching a political gospel which to Elgin was the most pronounced and pestilential heresy. Packet boat after packet boat brought news of speeches, brought copies of the great journals and reviews in which colonial separation was lifted to the dignity of a great philosophical principle. Before very long the provincial press began an attempt to make deductions out of this mess of economic and political theories and their ambiguous offspring. It was Elgin's painful experience to be informed that a revolution peaceful, but no less real was at hand. His attempts to find in responsible government a bulwark for the imperial connexion were not merely futile but argued mental weakness and lack of political vision. On all sides it was clear that England wanted to get rid of the colonies and the governor was merely a reactionary in attempting to maintain a system which England obviously desired to abandon. Doubtless there was much exaggeration in this newspaper comment and doubtless some journalists found satisfaction in magnifying the activities of the "Little Englanders" at the expense of opposing British opinion in order to make Elgin's task as difficult as possible.

Be that as it may, there was, from Elgin's point of view, sufficient gloomy teaching abroad in England to react detrimentally on the Canadas and to make his problems inconceivably complicated. His loyal ministers and their supporters could not understand the situation. With them the imperial connexion was an article of faith. The "loyalist" group were equally at sea. Their very *primum mobile* seemed to have lost its inherent force. The weaker brethren merely said that the situation was such as they had always anticipated, that England was a double-dyed deceiver and had only desired to hold the colonies when it paid to do so. They could only be amused at the surprise of Baldwin and LaFontaine, of MacNab and "the family compact." Imperialism was simply part and parcel of economic theory and loyalty an ingredient in commercial policy. All that remained for the province was to prepare for decent separation.

It is not wholly idle, then, to reconstruct the clash of ideas within the province—more tantalizing, more subtle, more envenomed, more confused, under the influences which English radical thought supplied. More important still is the recollection that amid it all Elgin's lamp of faith continued to burn. He had his moments of gloom. He was like some missionary trying with conviction to proclaim his creed after the mother church, which had sent him forth, appeared to have fallen from the faith. He gloried in the connexion, he could not

THE BRITISH-AMERICAN LEAGUE

believe that the imperial spirit of truth had ceased to inform the corporate body; but he found it pretty difficult to reconcile "Elginism," as the *Kingston Chronicle* called it, with the modernism which was abroad. Things were not improved when he discovered that in the opinion of many he was merely a political obscurantist, that he was preaching a doctrine which was now out of date, that much water had run under London bridge since he had been set aside by the laying on of Grey's hands to proclaim among the lost sheep of Canada the saving grace of liberal imperialism.

It was natural, with such discontent abroad in Canada that attempts should be made to organize the various aspects of public opinion. The British-American League was earliest in the field, and it appears to have owed its origin to the spirit of political and economic distress. Under the guidance of George Moffatt the League addressed the public and advised that a general convention be called to consider the commercial outlook as well as the import of the political and constitutional changes. The address suggested that the convention should meet with its hands free, but it expressed the unequivocal conviction that nothing should be done to hurt the British connexion. Whatever that conviction may have been worth, the various branches of the League did not act in entire conformity with it. It would seem, indeed, that fundamentals were not defined in order to irritate

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Elgin and his cabinet. Whatever the object, Montreal soon gloried in a branch which was a regular Noah's ark with many members who openly professed annexationist sentiments and proclaimed their aim of doing their utmost to further union with the United States. On the other hand, there was such a strong body of loyal opinion connected with the League as a provincial organization that internal friction was inevitable. The disloyal minority were thus driven to defend their position and in doing so they gave to their opinions an ever-widening publicity. The League soon acquired a reputation quite irreconcilable with the beliefs of the vast majority of its members, who, however, did not sufficiently clear its character, as they continued to work within it side by side with well known annexationists and even to elect them to responsible office. It is perfectly true that the convention which subsequently met refused to commit the League to any separatist principles and that criticism was hurled more fiercely against the local government than the imperial cabinet. Indeed, the convention ended in outlining a constructive programme which included tariff protection, curtailment of expenditure, and a union of British North America. It may be true that the suggestion for protection was a veiled criticism of the imperial policy, that retrenchment was meant to offset the money about to be spent in "compensating rebels," that a union of all the

THE EMPIRE IN DANGER

colonies aimed to destroy "French domination." It is thus quite possible to assign rather sinister motives for all these proposals, but the fact remains that the League officially refused to approve of annexation; and that some of its constructive suggestions have since been carried into effect.

The discussions at the convention meant that the newspapers would consider the situation under some kind of new inspiration. Papineau's journal came out boldly for annexation and proclaimed the near advent of a French state within the republican union. The French-Canadian ministerial journals, after some wavering, united in total opposition to Papineau. For the moment the controversy was confined to the French press. When the Rebellion Losses Bill was passed, whispers of treason were heard from two of the Montreal English journals; but on the whole the English press played safe, awaiting news from London. With the announcement from the imperial cabinet that the Crown would not interfere, the entire situation changed and only one tory paper in Montreal remained loyal to the British connexion and finally the important independent journal, the *Witness*, supported separation. The alignment shewed the strength of tory journalism allied with Papineau's *L'Avenir*—"loyal and compact" men marching side by side with French-Canadian republicans to the dismemberment of

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the empire. The impression must not, of course, be given that the changes in Canada had produced conditions which made the idea of annexation generally acceptable. The provincial press was indeed overwhelmingly loyal and Elgin was able to inform Grey that the general opposition to the suggestion was the best proof that responsible government was justified. His hold, however, on the province was, he confessed, problematical. The publicity given to annexation, the defection of many of the old-established English journals, the wavering of the business men, the faithlessness of the tories might result, in Elgin's opinion, in the loss of the province if the economic depression continued. When, then, an attempt is made at this point to form an estimate of the problem, its seriousness must be found not so much in the expressed volume of disloyal opinions or in the comparatively small numerical support of them, but in danger that an appeal to material interests might ultimately command wide support. Elgin knew that the gravest ingredient in the situation lay in the fact that political faith is always put to a severe test when weighed against loaves and fishes—and that such a test would be terrific in the Canadas where it could be weighed against virtual bankruptcy. His anxieties were increased by the knowledge that imperial faith was, as we have seen, growing somewhat dim in England. If an organized appeal were strongly made to seek pros-

A DESPERATE REMEDY

perity and happiness within the United States, how, asked Elgin, could he meet the criticism that, after all, England did not care very much one way or the other.

His fears that an organized appeal would be made did not remain long unfulfilled. As yet no unequivocal challenge had been given to the spirit of gloom which was gradually deepening over the province. It seemed wise to some to meet it on lines which would eliminate racial and religious prejudices, and the powers behind the Montreal district at once prepared to organize tory factionalism, business depression, and French radicalism on the common platform of insolvency. Of course, the commercial classes welcomed any such appeal. For many a year British connexion had been considered by them as a matter of profit and loss and loyalty to it was almost totally eclipsed when the colonial preference disappeared. The tory politicians were not unwilling to lend a hand as their mental balance had not as yet returned, and they felt that "loyalty" did not command respect and consideration as in the good old days before Elgin came upon the scene. The French radicals were glad to join any cave of Adullam since they and their principles were outcasts in French Canada. Out of these conditions it was resolved to make a public declaration in favour of annexation and to invite public support. The press, called in to make straight the path, invited the people,

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acting on the dictates of reason and good sense, to hasten incorporation. Annexation was indeed a desperate remedy, but the disease was desperate and England could do nothing. It was pointed out that Divine Providence was clearly indicating that Canadian destinies had been eternally decreed to lie with the continent as a whole. We, of course, may smile at this insight into the workings of the unseen, for we, too, know how parties continue to line up the invisible forces on their side. On the other hand, it required something of a special act of revelation to explain how a tory loyalist could become an annexationist, and it was not wholly a barren idea to leave the impression that, since with God all things were possible, the apparently irreconcilable was a mere detail written in the eternal mind before the very foundation of the world—Canada and the tory party included.

During the autumn of 1849 rumours were abroad that a public manifesto was in process of drafting by “a committee of gentlemen of wealth, education and influence.” In due course the famous Annexation Manifesto appeared addressed to the people of Canada. It lies outside this history to examine the document in detail, and doubtless it contained much sound criticism and ordinary common-sense. Under six headings suggested cures for the present discontents were examined. The first five—revival of imperial connection, local protection, federation, independence, reciprocity—

THE ANNEXATION MANIFESTO

were all rejected in favour of the sixth: "a friendly and peaceful separation from British connexion and a union upon equitable terms with the great North American confederacy of sovereign states." A carefully chosen committee undertook the task of getting signatures to the document, and within a few days almost a thousand Canadians expressed their approval by signing it. It is idle to linger over the efforts to secure further support, but it is important to note that the vast majority of those who did sign it were men of high political, social and financial standing and that in comparison, their French-Canadian coöperators were men of no prominence. "It is worthy of remark," declared one Upper Canadian paper, "that the proposition has not been introduced by the old and tried and faithful adherents of reform and equal rights, but on the contrary by men who have ever been the stern and uncompromising enemies of both. The bigot, the exclusive high-churchman, the man of rectories and ecclesiastical domination, the excusers of book-burning and vandal ruffianism, who have been in the habit of calling themselves *par excellence* 'Britons' and 'loyal Anglo-Saxons' have been and are the promoters of the treasonable proposition." General consternation and considerable satire did not curb the activities of the authors, who may, indeed, be excused in some measure on the score that, as one of their papers declared, they were "annexationists as much from

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necessity as from choice." Propaganda flourished, attempts were made to organize branches of the Montreal annexation association throughout the province, and the manifesto was sent out with invitations for moral, intellectual and financial support.

A careful examination of the movement, as far as historical evidence allows, appears to shew that it never had the smallest chance of success. Indeed, before long it was evident that Baldwin and LaFontaine had gathered incidental support from the entire proceedings, for it was an admirable object lesson for friend and foe alike to find that a ministry which was suspected by many was now the rallying point of loyalty. The provincial secretary issued a circular letter to all the servants of the Crown who had signed the manifesto to find out if their names had been attached to it with their consent, and, if so, requesting a full explanation of their action. The executive council resolved that those officials who admitted voluntary connexion with the document or who could not satisfactorily explain their relationship to it should be dismissed, and if Queen's Counsel should be deprived of their gowns. The minute of council is of interest. The "rebel" ministry advise Elgin, "that His Excellency must feel bound by a sense of duty as well to his sovereign and the empire at large as to the people of Canada themselves, not only to maintain the connexion of the

DISMISSALS FROM OFFICE

province with the parent state by the fullest exercise of all the prerogatives conferred upon him by her majesty but to discourage by all the means constitutional within his control every attempt calculated to impair it." Acting on this advice Elgin removed from office those holding during pleasure who admitted the genuineness of their signatures as well as those who refused to disavow them.

In appealing for support in England Elgin wrote to Grey with remarkable frankness: "Very much, as respects the result of this annexation movement depends upon what you do at home. I cannot say what the effect may be if the British government and press are lukewarm on the subject. The annexationists will take heart, but in a tenfold greater degree the friends of the connexion will be discouraged. If it be admitted that separation *must* take place sooner or later, the argument in favour of the present move seems to be almost irresistible. I am prepared to contend that with responsible government, fairly worked out with free-trade, there is no reason why the colonial relation should not be indefinitely maintained. But look at my present difficulty, which may be increased beyond calculation if indiscreet expressions be made use of during the present crisis." Elgin's anxiety was relieved when early in 1850 Grey forwarded him a public dispatch containing the queen's strong approval in the matter of

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dismissals from office and her express commands to resist to the utmost of his power any attempts to separate Canada from the British Crown and to institute legal proceedings against those who might encourage in any manner such an idea. The dispatch strengthened Elgin's hands and justified his entire proceedings; but it did more, it enabled him to answer the criticism, which he most feared and dreaded, that England did not care.

Unfortunately the dispatch lost almost immediately a certain amount of its force. The prime minister, Lord John Russell, reviewed the entire episode and supported Elgin in one of his greatest speeches. For his actions in relation to legislation, annexation and the Canadian ministry, the praise for the governor-general was unstinted and given with generous spirit and powerful utterance. For annexation Russell had strong words. "To that proposal," he declared, "the Crown could give nothing but a negative answer; and I trust, although such a suggestion has been made, that from the character of several of the gentlemen who are members of the association, it is not their intention to push their project of joining a neighbouring state to the ultimate result of endeavouring by force of arms to effect a separation from Great Britain; but that, knowing the determined will of the sovereign of this country and of her advisers not to permit that project to be carried into effect, they will acquiesce in the decision of

COLONIAL INDEPENDENCE

the Crown. I wonder at the same time that any persons who profess loyalty to the sovereign should have entertained a project which, if unfortunately any international difference occurred between this country and the United States of America, might have placed them in a position of raising their arms against British authority and of fighting against the British flag." The language was well chosen, the conviction clear and unequivocal, the rebuke measured and deserved. But Russell concluded his speech with a concession—necessary from his training—to the political philosophy of the day. He anticipated colonial independence and the demand for it by the colonies. He did not think that the event was approaching, but he thought the best contribution to make to it would be the provision of every opportunity for widening colonial self-government. To Elgin the speech was at once a source of comfort and of pain. The fact that it was overwhelmingly a rebuke to the annexation movement was of inestimable value to him and that he was publicly vindicated was of untold support to his ministry. On the other hand, the idea of ultimate independence was in the speech—as an inevitable destiny—and of Great Britain's willingness to sanction it when it came. Here was a loophole through which every factional propagandist might escape from Russell's otherwise strong assertions and stern judgments.

The "sting in the tail," as Elgin called it, caused

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him heart burnings and anxious moments. At this period of time, however, we can almost forgive Russell, for his speech was the occasion of a letter from Elgin to Grey which, in spite of its length, must be quoted in full. It is not only one of the great documents in Canadian history, but it throws floods of light on Elgin's character, his political principles and his conception of the empire:

“Lord John's speech on the colonies,” he wrote, “seems to have been eminently successful at home. It is calculated, too, I think, to do good in the colonies; but for one sentence, the introduction of which I deeply deplore—the sting in the tail. Alas for that sting in the tail! I much fear that when the liberal and enlightened sentiments, the enunciation of which by one so high in authority is so well calculated to make colonists sensible of the advantages which they derive from their connection with Great Britain, shall have passed away from their memories, there will not be wanting those who will remind them that, on this solemn occasion, the prime minister of England, amid the plaudits of a full senate, declared that he looked forward to the day when the ties which he was endeavouring to render so easy and mutually advantageous would be severed. And wherefore this foreboding? or, perhaps, I ought not to use the term foreboding, for really to judge by the comments of the press on this declaration of Lord John's, I should be led to imagine that the prospect

A GREAT STATE PAPER

of these sucking democracies, after they have drained their old mother's life-blood, leaving her in the lurch, and setting up as rivals, just at the time when their increasing strength might render them a support instead of a burden, is one of the most cheering which has of late presented itself to the English imagination. But wherefore then this anticipation—if foreboding be not the correct term? Because Lord John and the people of England persist in assuming that the colonial relation is incompatible with maturity and full development. And is this really so incontestable a truth that it is a duty not only to hold but to proclaim it? Consider for a moment what is the effect of proclaiming it in our case. We have on this continent two great empires in presence, or rather, I should say, two great Imperial systems. In many respects there is much similarity between them. In so far as powers of self-government are concerned it is certain that our colonists in America have no reason to envy the citizens of any state in the Union. The forms differ, but it may be shown that practically the inhabitants of Canada have a greater power in controlling their own destiny than those of Michigan or New York, who must tolerate a tariff imposed by twenty other states, and pay the expenses of war undertaken for objects which they profess to abhor. And yet there is a difference between the two cases; a difference, in my humble judgment, of sentiment

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rather than substance, which renders the one a system of life and strength, and the other a system of death and decay. No matter how raw and rude a territory may be when it is admitted as a state into the Union of the United States, it is at once, by the popular belief, invested with all the dignity of manhood, and introduced into a system which, despite the combativeness of certain ardent spirits from the South, every American believes and maintains to be immortal. But how does the case stand with us? No matter how great the advance of a British colony in wealth and civilisation; no matter how absolute the powers of self-government conceded to it, it is still taught to believe that it is in a condition of pupilage from which it must pass before it can attain maturity. For one, I have never been able to comprehend why, elastic as our constitutional system is, we should not be able, now more especially when we have ceased to control the trade of our colonies, to render the links which bind them to the British Crown at least as lasting as those which unite the component parts of the union. . . . One thing is, however, indispensable to the success of this or any other system of Colonial Government. You must renounce the habit of telling the Colonies that the Colonial is a provisional existence. You must allow them to believe that, without severing the bonds which unite them to Great Britain, they may attain the degree of perfection, and of social

RUSSELL'S DECLARATION

and political development, to which organised communities of free men have a right to aspire.

Since I began this letter I have, I regret to say, confirmatory evidence of the justice of the anticipations I had formed of the probable effect of Lord John's declaration. I enclose extracts from two newspapers, an annexationist, the *Herald* of Montreal, and a *quasi* annexationist, the *Mirror* of Toronto. You will note the use they make of it. I was more annoyed, however, I confess, by what occurred yesterday in council. We had to determine whether or not to dismiss from his offices a gentleman who is both M.P.P., Q.C., and J.P., and who has issued a flaming manifesto in favour, not of annexation, but of an immediate declaration of independence as a step to it. I will not say anything of my own opinion on the case, but it was generally contended by the members of the Board, that it would be impossible to maintain that persons who had declared their intention to throw off their allegiance to the Queen, with a view to annexation, were unfit to retain offices granted during pleasure, if persons who made a similar declaration with a view to independence were to be indifferently dealt with. Baldwin had Lord John's speech in his hand. He is a man of singularly placid demeanour, but he has been seriously ill, so possibly his nerves are shaken—at any rate I never saw him so moved. 'Have you read the latter part of Lord J. Russell's speech?'

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he said to me. I nodded assent. 'For myself,' he added, if the anticipations therein expressed prove to be well founded, my interest in public affairs is gone forever. But is it not hard upon us while we are labouring, through good and evil report, to thwart the designs of those who would dismember the empire, that our adversaries should be informed that the difference between them and the prime minister of England is only one of time? If the British government has really come to the conclusion that we are a burden to be cast off whenever a favourable opportunity offers, surely we ought to be warned.'

I replied that while I regretted as much as he could do the paragraph to which he referred, I thought he somewhat mistook its import: that I believed no man living was more opposed to the dismemberment of the Empire than Lord J. Russell; that I did not conceive that he had any intention of deserting the Colonies, or of inviting them to separate from England; but that he had in the sentence in question given utterance to a purely speculative, and in my judgment most fallacious, opinion, which was shared, I feared, by very many persons both in England and the colonies: that I held it to be a perfectly unsound and most dangerous theory, that British Colonies could not attain maturity without separation, and that my interest in labouring with them to bring into full play the principles of Constitutional govern-

MISGIVINGS

ment in Canada would entirely cease, if I could be persuaded to adopt it. I said all this, I must confess, however, not without misgiving, for I could not but be sensible that, in spite of all my allegations to the contrary, my audience was disposed to regard a prediction of this nature, proceeding from a prime minister, less as a speculative abstraction than as one of that class of prophecies which work their own fulfilment. I left the council chamber disheartened, with the feeling that Lord J. Russell's reference to the manhood of colonies was more likely to be followed by practical consequences than Lamartine's famous *quand l'heure aura sonné* invocation to oppressed nationalities. It is possible, indeed, that I exaggerate to myself the probable effects of this declaration. Politicians of the Baldwin stamp, with distinct views and aims, who having struggled to obtain a government on British principles, desire to preserve it, are not, I fear, very numerous in Canada; the great mass move on with very indefinite purposes, and not much inquiring whither they are going. Of one thing, however, I am confident: there cannot be any peace, contentment, progress, or credit in this colony while the idea obtains that the connection with England is a millstone about its neck, which should be cast off as soon as it can be conveniently managed. What man in his senses would invest his money in the public securities of a country where questions

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affecting the very foundations on which public credit rests are in perpetual agitation; or would settle in it at all if he could find for his foot a more stable resting-place elsewhere? I may, perhaps, be expressing myself too unreservedly with reference to opinions emanating from a source which I am no less disposed than bound to respect. As I have the means, however, of feeling the pulse of the colonists in this most feverish region, I consider it to be always my duty to furnish you with as faithful a record as possible of our diagnostics. And, after all, may I not with all submission ask, is not the question at issue a most momentous one? What is it indeed but this: Is the Queen of England to be the sovereign of an empire, growing, expanding, strengthening itself from age to age, striking its roots deep into fresh earth and drawing new supplies of vitality from virgin soils? Or is she to be for all essential purposes of might and power, monarch of Great Britain and Ireland merely—her place and that of her line in the world's history determined by the productiveness of 12,000 square miles of a coal formation, which is being rapidly exhausted, and the duration of the social and political organization over which she presides dependent on the annual expatriation, with a view to its eventual alienization, of the surplus swarms of her born subjects? If Lord J. Russell, instead of concluding his excellent speech with a declaration of opinion which, as I read it,

THE SAFER AND BETTER COURSE

and as I fear others will read it, seems to make it a point of honour with the Colonists to prepare for separation, had contented himself with resuming the statements already made in its course, with showing that neither the government nor parliament could have any object in view in their Colonial policy but the good of the Colonies, and the establishment of the relation between them and the mother-country on the basis of mutual affection: that, as the idea of maintaining a Colonial Empire for the purpose of exercising dominion or dispensing patronage had been for some time abandoned, and that of regarding it as a hot-bed for forcing commerce and manufacturers more recently renounced, a greater amount of free action and self-government might be conceded to British colonies without any breach of Imperial Unity or the violation of any principle of Imperial Policy, than had under any scheme yet devised fallen to the lot of the component parts of any Federal or Imperial system; if he had left these great truths to work their effect without hazarding a conjecture which will, I fear, be received as a suggestion, with respect to the course which certain wayward members of the Imperial family may be expected to take in a contingency still confessedly remote, it would, I venture with great deference to submit, in so far at least as public feeling in the Colonies is concerned, have been safer and better.

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You draw, I know, a distinction between separation with a view to annexation and separation with a view to independence. You say the former is an act of treason, the latter a natural and legitimate step in progress. There is much plausibility doubtless in this position, but, independently of the fact that no one advocates independence in these Colonies except as a means to the end, annexation, is it really tenable? If you take your stand on the hypothesis that the Colonial existence is one with which the Colonists ought to rest satisfied, then, I think, you are entitled to denounce, without reserve or measure, those who propose, for some secondary object, to substitute the Stars and Stripes for the Union Jack. But if, on the contrary, you assume that it is a provisional state, which admits of but a stunted and partial growth, and out of which all communities ought in the course of nature to strive to pass, how can you refuse to permit your colonies here, when they have arrived at the proper stage in their existence, to place themselves in a condition which is at once most favourable to their security and to their perfect national development? What reasons can you assign for the refusal, except such as are founded on selfishness, and are, therefore, morally worthless? If you say that your great lubberly boy is too big for the nursery, and that you have no other room for him in your house, how can you decline to allow him to lodge with his elder

THE ANNEXATION MOVEMENT

brethren over the way, when the attempt to keep up an establishment for himself would seriously embarrass him?"

As events turned out Elgin's fears that Russell's speech would produce grave results were far from justified. For several months agitation, public at times but for the most part underground, went on, but it was clear that Grey was entirely sound on the imperial connexion and that Russell's conclusion was largely a gesture to philosophical theory. In spite of many efforts at organization and of the expenditure of a good deal of time and money, the annexation movement never had a place in the general heart of the province and active propaganda proved an entire failure. Its main support was in Montreal and Quebec and in the rural western and eastern extremes of the colony; but it would have been impossible to erect the idea into anything like a serious political issue. Indeed, it is estimated by historians of the movement that, after diligent organization and active campaigning, only a few thousand signatures were obtained. Upper Canada remained practically outside the disloyal agitation and the rank and file of the French Canadians were openly hostile to incorporation in the United States. In a province where political parties seemed to welcome somewhat gladly platforms which might in any way bring a modicum of support, it is significant that outside Papineau's small group annexation was

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never brought forward as a distinct party measure.

On the other hand, Elgin was not content to let the atmosphere clear, while he and his ministers and Grey and Russell gave a political content to loyalty and proclaimed more or less the inviolability of the imperial connexion. During the agitation he continued to believe that the cure for Canadian ills could still be found in reciprocity, and he pressed the idea on the British government in dispatches which almost amounted to religious conviction. At length he met with some success, and late in 1849 Sir Henry Lytton Bulwer was sent to Washington to begin negotiations for a reciprocity treaty. Meanwhile American official opinion had been turned to the matter and the British minister had been informed that reciprocity could not be discussed "apart from the question of British North American fisheries." So anxious were the British cabinet to meet the situation in Canada so graphically portrayed by Elgin that the secretary of state at Washington was informed of Great Britain's willingness to arrange a suitable fishing convention in return for a suitable reciprocity treaty. The trade issues were now confused with questions of fishing and of freedom of navigation in the St. Lawrence, and Francis Hincks was selected by Elgin to go to Washington and to remain there in readiness to discuss the problems with the congressional committees on commerce.

THE FISHERIES QUESTION

Little progress was made, and Elgin reported with alarm that Canada was preparing to take retaliatory measures unless some compromise was arrived at. This report was duly laid before the American government, but President Fillmore would not agree to proceedings by way of treaty and his message to congress in favour of "reciprocal legislation" produced no result. The possibilities for progress were not improved when the complicated problem of the north-eastern fisheries was thrown into the melting pot. The idea now began to dawn on the British that Canada had something to offer which the Americans were seeking and that it should not be lightly bartered. Indeed, the fishery dispute reached a dangerous phase in 1852 with the arrival of rival British and American cruisers in or near British-American waters. Canada wanted reciprocity and was ready to yield on the fisheries question, but there were no interests sufficiently concerned in the United States which would obtain for Canada what she wanted in return for her concessions and support in connexion with fishing privileges. Hincks's activities at length began to bear fruit and in disclosing that Canada would welcome the opening of the St. Lawrence to American shipping pending some decision on reciprocity, he helped to link reciprocity with one at least of the things on which the United States had set her heart. Congress, however, played with the situation and never got

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beyond discussions, and Hincks losing all patience urged Elgin to see that retaliatory measures, long overdue in his opinion, were introduced in Canada. Elgin acted with his usual caution, and he found support from the British minister at Washington, who informed him, in September 1852, that Canadian legislation would be most unwise, that the fisheries would finally play an important part in solving Canada's trade difficulties and that there was growing up in the United States the idea that procedure by treaty would be better. At long last, in September 1853, with William L. Marcy as secretary of state, and with a new president, a *projet* of a treaty was prepared and submitted to the British government, which in turn now held up the negotiations owing to strained relations with Russia and the possibility of war.

During this phase of the negotiations Elgin went on a visit to England, where he met James Buchanan, the American minister, who viewed his presence in London as an important determining factor. We do not know how far Elgin's influence would have prevailed apart from the activities of Israel D. Andrews, who had been sent by President Pierce to visit the British North American colonies. Andrews ingratiated himself with Francis Hincks before the latter left for London and arranged with him to bring his personal influence to bear on the imperial cabinet in order that Elgin should return with full powers to conclude a treaty.

IN WASHINGTON

Indeed, it is clear that Andrews was behind the scenes in some influential way. Activities in London suddenly took on a new tone of genuine interest, doubtless due to the fact that Andrews continued to urge Hincks not to abandon the plan on which they had agreed of obtaining authority for Elgin to settle the matter finally. "I wrote to Hincks every mail until April," declared Andrews, urging him to make full use of Elgin's presence in England. For some reason or other, the foreign secretary does not appear to have been anxious to let James Buchanan know the results of his conferences with Elgin and Hincks, and Buchanan continued to believe that no definite plans had been made. However, full instructions were issued for Elgin to journey direct to Washington and to effect a settlement of the reciprocity and fisheries questions.

Lord Elgin arrived at Washington on May 26th, 1854. The secretary to the mission was a brilliant young writer and diplomatist, Lawrence Oliphant, and Hincks and LaFontaine were included in a suite which was large and impressive. At the moment the air at Washington was charged with suspicion and passion. Congress had just passed the Kansas-Nebraska Bill, which permitted slavery in the new Western regions, leaving but a small area of that vast territory free. Party feelings were at a high pitch and civil war was already under discussion, while men sat in congress

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fully armed. Under the circumstances there was a general opinion abroad that reciprocity could not be effectually dealt with or even discussed and that Elgin's mission would be in vain. On the other hand, a settlement of the fisheries question was being strenuously pressed by the interests concerned, and skilled wire-pullers urged the southern senators to support the convention not merely because certain important articles of southern production would be put on the free list, but because reciprocity would kill the annexation movement in Canada, and thus withdraw her from possible union with the Free Soil Party. Indeed, in the final analysis, as was openly acknowledged, the south supported the negotiations in order "to quiet the people of Canada and prevent their annexation to the North which might disturb the balance of power within the Union."

Lawrence Oliphant has left a lively, if cynical, picture of Elgin's mission to Washington, of personages and scenes connected with it, and of the completion of the treaty. "It was the height of the season," writes Oliphant, "when we were at Washington and our arrival imparted a new impetus to the festivities and gave rise to the taunt, after the treaty was concluded, by those who were opposed to it, that 'it had been floated through on champagne.' Without altogether admitting this, there can be no doubt that in the hands of a skilful diplomatist, that beverage is not

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without its value. Looking through an old journal I find the following specimen entry: 'Got away from the French minister just in time to dress for dinner at the president's. More senators and politics, and champagne and hard shells and soft shells. I much prefer the marine soft-shell crab with which I here made acquaintance for the first time to the political one. Then with a select party of senators, all of whom were opposed in principle to the treaty, to Governor A's, where we imbibed more champagne and swore eternal friendship, carefully avoided the burning question, and listened to stories good, bad and indifferent till 2 a.m., when after twelve hours of incessant entertainment, we went home to bed thoroughly exhausted.' Meanwhile to my inexperienced mind no progress was being made in my mission. Lord Elgin had announced its object on his arrival to the president and the secretary of state, and had been informed by them that it was quite hopeless to think that any such treaty as he proposed could be carried through with the opposition that existed to it on the part of the Democrats, who had a majority in the Senate, without the ratification of which body no treaty could be concluded. His lordship was partly assured, however, that if he could overcome this opposition, he would find no difficulty on the part of the government. At last, after days of uninterrupted festivity, I began to perceive what we were driving at. To make quite sure I said one

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day to my chief:—‘I find all my most intimate friends are democratic senators.’ ‘So do I,’ he dryly replied, and indeed his popularity among them at the end of a week had become unbounded, and the best evidence of it was that they ceased to feel any restraint in his company and often exhibited traits of western manners unhampered by conventional trammels. Lord Elgin’s faculty of brilliant repartee and racy anecdote especially delighted them, and one evening after a grand dinner he was persuaded to accompany a group of senators to the house of a popular and very influential politician, there to prolong the entertainment. Our host, at whose door we knocked at midnight, was in bed, but much thundering at it at length aroused him, and he himself opened to us, appearing in nothing but a very short nightshirt. ‘All right boys,’ he said, at once divining the object of our visit, ‘you go in and I’ll go down and get the drink;’ and without stopping to array himself more completely, he disappeared into the nether regions, shortly returning with his arms filled with bottles of champagne, on the top of which were two large lumps of ice. He was a dear old gentleman, somewhat of the Lincoln type, and evidently a great character; and many were the anecdotes told about him in his own presence, all bearing testimony to his goodness of heart and readiness of wit.

At last, after we had been receiving the hospital-

SIGNING OF RECIPROCITY TREATY

ities at Washington for about ten days, Lord Elgin announced to Mr. Marcy that, if the government were prepared to adhere to their promise to conclude a treaty of reciprocity with Canada, he could assure the president that he would find a majority in the senate in its favour, including several prominent Democrats. Mr. Marcy could scarcely believe his ears, and was so much taken aback that I somewhat doubted the desire to make the treaty, which he so strongly expressed on the occasion of Lord Elgin's first interview with him.

For the next three days I was as busily engaged at work as I had been for the previous ten days at play; but the matter had to be put through with a rush as Lord Elgin was due at the seat of his government. I will venture to quote the description I wrote at the time of the signing of the treaty and ask the reader to make allowance for the style of mock-heroics and attribute it to the exuberance of youth: 'It was the dead of night, during the last five minutes of the 5th of June and the first five minutes of the 6th of the month aforesaid, that four individuals might have been observed seated in a spacious chamber lighted by six wax candles and an Argand lamp. Their faces were expressive of deep and earnest thought, not unmixed with suspicion. Their feelings, however, to the acute observer manifested themselves in different ways, but this was natural

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as two were in the bloom of youth, one in the sear and yellow leaf, and one in the prime of middle age. This last, Lord Elgin, it is whose measured tones alone break the silence of midnight, except when one or other of the younger auditors, who were both poring intently over voluminous manuscripts, interrupts him to interpolate an 'and' or erase a 'the.' They are, in fact, checking him as he reads, and the aged man, Marcy, listens, while he picks his teeth with a pair of scissors or cleans out the wick of a candle with their points, which he afterwards wipes on his grey hair, and he may occasionally be observed to wink from conscious acuteness or unconscious drowsiness. Presently the clock strikes twelve, and there is a doubt whether the date should be to-day or yesterday. There is a moment of solemn silence, when the reader having finished the document lays it down, and takes a pen, which had been previously impressively dipped in the ink by the most intelligent looking of the young men, who appears to be his secretary, and who keeps his eye warily fixed upon the other young man who occupies the same relation to the aged listener with the scissors. There is something strangely mysterious and suggestive in the scratching of that midnight pen, for it may be scratching fortunes or ruin to millions. Then the venerable statesman takes up the pen to append his signature. His hand does not shake, though he is very old and knows the

RECIPROCITY IN FORCE

abuse that is in store for him from members of congress and an enlightened press. So he gives his blessing and the treaty is signed. I retire to dream of its contents and to listen in my troubled sleep to the perpetually recurring refrain of the three impressive words with which the pregnant document concludes 'unmanufactured tobacco, rags.' "

The treaty was ratified by the senate with an overwhelming vote on August 2nd, and congress at once passed an Act to carry the terms of the treaty into effect, which the president immediately signed. Under this Act provision was made that "whenever the president shall receive satisfactory evidence that the imperial parliament of Great Britain and the provincial parliaments of Canada, New Brunswick, Nova Scotia, and Prince Edward Island have passed laws on their part to give full effect to the provisions of the treaty between the United States and Great Britain, he is hereby authorized to issue his proclamation declaring that he has such evidence and thereupon, from the date of such proclamation, the provisions of the treaty should take effect." Before Elgin left Canada at the close of 1854, the legislatures of Canada, Prince Edward Island, New Brunswick and Nova Scotia passed the necessary legislation and President Pierce formally issued a proclamation bringing the treaty into effect.

It is only necessary here to note what conquests

Elgin brought home to Canada on what was a triumphal progress from Boston to Quebec. In return for fishing rights in the bays and inlets of the coasts of Canada and the Maritime provinces (though not in Canadian fresh-waters) and for the use of the Canadian canals, Canada obtained, what she most of all desired, a market for her natural products. The treaty did not cover reciprocity in manufactured goods, as the Americans strongly desired; but at the moment the Canadian tariff was low and the British minister at Washington had informed the United States that, while an actual reciprocity in manufactured goods would be a difficult provision in a treaty, yet there need be no fears among American manufacturers that Canada would depart from its "most liberal commercial policy." The treaty was to continue for ten years and then to end after one year's notice from either side. Elgin did not remain long enough in Canada to see its beneficial effects; but under it prosperity grew by leaps and bounds. Fortunately or unfortunately Canada, within a few years after the treaty went into effect, attempted to accelerate this progress by high discriminating tariffs, which had an influence in moving the United States to repudiate the treaty at the earliest possible moment. It is true that irritation with Great Britain during the Civil War played its part and that C. F. Adams the American minister in London informed Seward

RESULTS OF RECIPROCITY

in 1865 that all the measures for abrogation "were the result rather of a strong political feeling than of any commercial considerations." On the other hand, there is little doubt that the spirit if not the letter of the treaty was violated by the new commercial policy of Canada. All this, however, lies outside the scope of this study. What alone needs emphasis here is Elgin's appreciation of the fundamental loyalty of the Canadas, that discontent was largely due to economic depression, and his conviction that, could he succeed in arranging a reciprocity convention, there would be no organized conspiracy to leave the empire. During the ten years of his treaty British North America was given time to recover from the distressing shock of Great Britain's new commercial policy and to lay foundations necessary for the changed conditions. Indeed, when efforts failed to persuade the United States to renew the treaty, there was heard no longer a cry that ruin would follow and that annexation alone would prevent insolvency. The abrogation was a cumulative force towards Canadian federation. The provinces had so advanced economically that they felt, in the words of George Brown, that the union of the colonies would enable them "to meet without alarm the abrogation of the American Reciprocity Treaty." Elgin's handiwork indeed disappeared, but in disappearing it helped in no small degree to increase that faith out of which was born the Dominion of Canada.

CHAPTER VI

THE OLD ORDER CHANGETH

LORD ELGIN'S constitutional activities in Canada were most prominent in connexion with the Rebellion Losses' Bill, Annexation and Reciprocity. It has been possible in discussing these matters to bring out prominently his personal character—his conception of office, his realization of the healing virtues in responsible government, his magnificent imperial faith, and his conviction that reasonable prosperity would kill any sentiments of a disloyal nature, which broadly speaking were the offspring of economic depression rather than of serious conviction. The history of Elgin's Canadian administration, in which these three matters are outstanding, has afforded an opportunity to illustrate his sober judgment, his practical wisdom, his political vision and his singular objectivity of mind and impartiality of attitude and approach. There remain, however, certain aspects of Canadian public life during his régime which need consideration. Possessing rather the interest of general history, they do not throw much light on Elgin himself, and his ideas, criticisms and suggestions are as it were incidental to the ordinary progress of events. Yet their

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cumulative effect in Canadian history is so important that it is impossible to overlook them in any history of the period. In turning, then, to review the less dramatic episodes of Elgin's governorship, the man recedes into the background. On the other hand he is always there with some word of guidance or advice, some expression of wisdom, and above all as the embodiment of constitutional principles. Indeed, were there no other interest, it would be necessary to review these years as they afforded Elgin the opportunity to illustrate with something of emphatic effect the true nature of the office of governor-general.

"The great ministry" remained in office until October, 1851, when it was dissolved with LaFontaine's retirement soon after Baldwin's resignation. We have already noted how Elgin had advised them to move along practical lines as soon as the air was clear of constitutional difficulties. Their greatness lay in the wisdom and skill with which they followed this advice and thus helped to consolidate in the province the new principle of responsible government. One of the most important measures in which Elgin was interested was that of developing postal communications, and no one rejoiced more than he did when the Canadian government took over the post offices within its territory, with a postmaster-general in the cabinet. Elgin preached "the gospel of correspondence," as a contemporary quaintly described it, in a

EXTENDING POSTAL FACILITIES

province of scattered population and vast distances and he was convinced that the extension of postal facilities would yield a spiritual return which would more than make up for possible loss of revenue. Indeed, the ministry was more than prepared to encourage the system by abandoning varying charges in favour of fixed rates. Within a year, after Elgin's suggestion had been acted on, Canadian post offices increased over forty per cent in number, and although there was an expected fall in revenue yet the number of letters posted had increased over fifty per cent. Before Elgin left Canada, there was a general reduction on newspaper rates and rates were entirely abolished on periodicals exclusively devoted to science, temperance, agriculture and education.

In the matter of education Elgin had pronounced views. He saw with admiration the consolidation and extension of the educational system, especially of Upper Canada where the government fostered by generosity from the budget and by encouraging support from the municipalities the system of elementary education which had been begun at the Union. The great pioneer of education was Egerton Ryerson and to him is due the courageous initiation of the free school system. Ryerson, however, always acknowledged that the important education Act of 1850 was only made possible by Elgin's assistance in forming a public opinion ready to support it. With the provisions for

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religious instruction—whether by clergymen of denominations recognized by law or in separate schools established where a local necessity seemed to demand them—Elgin, without committing himself to sides in a discussion which unfortunately led to social and ecclesiastical friction, was in sympathy. Indeed, his interests in education were so strong that he made the matter a subject of several official dispatches. He praised the provision of school libraries, first established under the Act of 1850, as “the crown and completion” of an excellent system. He noted with pleasure the method under which educational provisions were grafted upon the municipal institutions of the province, thus encouraging local interest, stimulating local zeal, and developing individual self-reliance. He pointed out the difficulties connected with religious instruction in a community where there existed much diversity of belief and where all denominations were equal in the eyes of the law, and he saw the statutory wisdom which allowed such religious instruction in the common schools as the parents should desire while permitting under certain regulations the establishment of separate Protestant or Roman Catholic schools. As he watched the system develop, he was delighted to inform Grey of the friendly intercourse among the clergy and scholars in schools of which none “had been made places of religious discord” but rather “had become the radiating centres of a

NATIONAL MORALITY

spirit of Christian charity and potent coöperation in the primary work of a people's civilization and happiness." He was a profound believer in a common school system whose foundation principle was, as he believed, "the firm rock of our common Christianity," whose purpose was that "every child who attended the common schools should learn that he is a being who has an interest in eternity as well as in time, that he has a Father towards whom he stands in a closer and more affecting and more endearing relationship than to any earthly father and that Father is in heaven; that he has a hope far transcending every earthly hope—a hope full of immortality . . . that he has a duty . . . which stands in the centre of his moral obligation . . . of striving to prove by his life and conversation the sincerity of his prayer that that Father's will be done upon earth as it is done in heaven." The man who could write and speak in that way had a profound influence, as Ryerson too acknowledged, on national morality. Elgin, however, carried wisdom into these strongly stated convictions and he found cause for congratulation in the Canadian system, where the government protected the rights of each parent and child, "but beyond this and beyond the principles and duties of morality common to all classes neither compelling nor prohibiting," but leaving religious instruction "where it properly belonged—with the local

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school municipalities, parents and managers of schools.”

In connexion with higher education Elgin arrived in Canada to find a bitter controversy in progress. The Church of England had since the earliest days laid claim to every possible privilege, though in law it enjoyed no special status, and, when proposals were abroad for the founding of a university, the ruling clique in the province thought that it should be dominated by the Anglican communion in spite of the fact that other Protestants far outnumbered the adherents of the Church of England. Vast quantities of land had been set aside for higher education. At first unremunerative they began about 1820 to yield a revenue, and Archdeacon Strachan, afterwards Bishop of Toronto, was alert to see his opportunity. Strachan was a man of fierce resolve, fiery zeal, and narrow outlook, and like a kind of Anglican Hildebrand he got ready to harness proposals for a university to his conceptions of church and state. He proceeded to England where in 1827 he obtained a charter for the “University of King’s College,” an institution of which the archdeacon of York was to be *ex officio* president, the Anglican bishop *ex officio* visitor, and all the professors as well as the students in theology subscribers to the Thirty-nine Articles. The only liberal note in the document was the provision that students in faculties other than divinity

THE UNIVERSITY BILL

should be free from religious tests. The institution was, of course, to be endowed and supported out of the public lands and funds of the province. We can hardly understand Strachan's mentality when we recall the religious complexion of the province, and he must have been a man of singular faith if he believed that the legislature would ever be a party to the endowment of such an institution. A pretty quarrel ensued, characterized by much bitterness. It was not till 1842, after special pressure from Sir Charles Bagot, that the University of King's College came into actual existence with a vast state endowment behind it; and the charter would doubtless have remained in abeyance had not all religious tests been reduced to a profession of simple belief in Christianity. Strachan, however, as head of the university, gave it a pronounced Anglican tone, with the result that the Methodists, Presbyterians and Roman Catholics founded institutions of higher learning for themselves. A legislative attempt under Metcalfe to rectify the situation failed, as we have seen, and it seemed that Strachan was likely in the long run to prove successful in his plan. With Elgin's vindication of the principle of responsible government the Baldwin-LaFontaine ministry took up "the university bill" where they had left it when they resigned during Metcalfe's régime, and with Elgin's full approval they "settled that perennial controversy" by transforming the University of

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King's College into the University of Toronto. Elgin regretted that the only possible solution in connection with an institution endowed by the state lay in complete secularization, but he saw clearly that popular government must be real as well as theoretical and there was this consolation left for him that Baldwin, who fathered the bill, was a devout and staunch Anglican. Strachan, however, fought one fight more. He went to England and enlisted strong support, which included Elgin's friends, Peel and Gladstone, and in process of time Trinity College was founded in Toronto. No one could forbid or blame a zeal which undertook such a task; and as events proved Trinity College prospered as a great institution destined itself in the process of years to contribute, as an integral part to the University of Toronto, characteristic and distinctive features. Unfortunately Strachan was not content to silence his voice against the spirit of secularism. He denounced "the infidel college" as "unworthy of the blessing of heaven," as destructive of "the eternal hopes of the rising generation," and as destined to produce "a moral obliquity incapable of distinguishing right from wrong." It was little wonder in the face of such fiery denunciations that Elgin wrote for Grey a history of the entire controversy and supported the action of his ministers. It was with regret that he granted Strachan a charter for a church university, as he

OUTSTANDING PROBLEMS

desired to see a university develop—as indeed it has done—with grouped colleges. Nor did he shrink from the distasteful task of reproving his Father in God for statements which were, if not untrue, at least extravagant and absurd. To follow the history in closer detail would serve no useful purpose: but it affords an excellent illustration of Elgin's conception of the constitutional situation. His every instinct must have been against secularization: yet to Baldwin he gave unequivocal support, and the episode served to prove that a governor's personal tastes or even prejudices must be sunk whenever an issue in constitutional government demanded popular legislation.

Two outstanding problems, however, remained: the Clergy Reserves—the eighth of the surveyed land set aside since 1791 for the support of the Protestant clergy—and the system of seigniorial tenure in Canada East. For the moment it is unnecessary to refer further to them than to say that the former still provided, in the words of Durham, “a most mischievous practical cause of dissension,” while the latter had become an anachronistic drawback under modern competitive ideas. It might have been expected that a strong ministry like that of Baldwin and LaFontaine would have been able to deal with these questions and to allay in connexion with them the long-standing agitation. As a matter of fact no sooner had the principle of government been settled than

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a process of political disintegration set in which produced new party alignments and before long it was evident that "the great ministry" had done its work in Canadian history. A radical wing of the Reformers was earliest to the front after the final struggle over the Rebellion Losses' Bill. Baldwin and LaFontaine were faced with the criticism that they were not moving fast enough for some of their supporters, especially in relation to the Clergy Reserves. By 1850 this group became organized in Upper Canada with a distinct platform and the party designation of "Clear Grits." They asked among other things for the application of the principle of election to all officials from the head of the administration down, for universal suffrage, for vote by ballot, for biennial parliaments, for the abolition of property qualification for parliamentary candidates, for retrenchment, for the abolition of judicial pensions, for free trade and direct taxation, and for the secularization of the Clergy Reserves and the abolition of the endowed Anglican rectories. The *Globe* pointed out that many of these demands were part of the ministerial programme, that a wide elective principle and universal suffrage were anti-monarchical and that the establishment of a new party was totally unjustified: "it was a little miserable clique of office-seeking, bunkum-talking cormorants." Nor were changes in the radical party evident in Canada West alone. Papineau's

A NEW REPUBLICANISM

group had widened to include not only some of the old radicals but a brilliant band of young French Canadians, among them A. A. Dorion, J. B. E. Dorion—*l'enfant terrible*—R. Doutre and Laflamme. Under new inspiration *L'Avenir* proclaimed a new republicanism, which included universal suffrage, the introduction of institutions analagous to those of the United States, hostility to religion, anti-clericalism and finally annexation.

When the legislature opened in the early summer of 1850 the ministry faced criticism not merely from the old conservative party, led by MacNab but beginning to be guided by John A. Macdonald, but also from five or six Clear Grits and from Papineau and his *Rouges*. Once again LaFontaine failed to satisfy the Act of Union in his attempt to increase the representation, and once again the Clergy Reserves formed the centre of controversy. Sydenham had made an effort to settle the dispute, but the Act passed under him was for technical reasons declared *ultra vires*, and in 1840 the imperial parliament passed an Act which authorized the governor with the advice of his council to sell and distribute the reserves. Provisions were made against the creation of further reservations and that the proceeds from previous sales should be distributed exclusively between the Churches of England and Scotland, in the proportion of two thirds and one third respectively. All future proceeds were to be divided, one third to the Church

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of England, one sixth to the Church of Scotland and the residue to be applied by the governor, with the advice of his council, "for purposes of public worship and religious instruction in Canada." This "settlement" was considered arbitrary, as it was openly alleged to be based on a wilfully erroneous construction of the census. Violent agitation died down with the constitutional struggle under Metcalfe, but the disruption movement in Scotland gave force to the voluntary spirit in Canada, and long before the principle of government was settled "secularization" had become an aim with many of the Upper-Canadian Reformers. Baldwin and LaFontaine took office well aware that Canada West would not endure much longer the situation created by the imperial parliament. There was a widespread demand that the repeal of the imperial Act be procured. The ministry had its hands full during its first session. When Strachan fanned to a white heat the flames of religious controversy during the university crisis, the demand took on a passionate colour and the legislature opened in 1850 with an undercurrent of moody discontent abroad, to which the knowledge that the government had as yet made no approaches in the matter to the imperial cabinet lent force and emphasis.

On June 18th, a series of resolutions was introduced aiming at the repeal of the imperial Act and at acquiring for the Canadian legislature the dis-

THE CLERGY RESERVES

posal of the Reserves subject to the claims of present holders. It was significant that the motion was unofficial; the fact pointed to a divided ministry and the impossibility of a cabinet measure. LaFontaine, Taché and Viger were unwilling to become parties to the secularization of lands definitely set aside for religious purposes, and the debates shewed that there was no unanimity among the reformers of Canada West. In addition controversy arose over the best method of procedure. Some suggested that the repeal of the imperial Act should first be obtained before local legislation attempted to deal with the problem. The Clear Grits, supported by some regular ministerialists, advocated immediate legislation which should be sent to England for the royal assent. Baldwin was evidently worried. He told the house that he could never assent to the idea that vested rights could be set aside by the will of a mere majority—a principle which he denounced as false and immoral. He refused to acknowledge that right and justice were merely relative conceptions, and he declared that he could not believe that the Reserves belonged to the people in the sense in which that claim had been made. He defended religious endowments, while opposed to a union of Church and state, but he was not prepared to accept the Act of 1840 as a settlement as it did not express local opinion. LaFontaine disapproved of the Reserves as an abstract

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question, but he expressed himself in favour of the claims of vested interests. Finally, the problem was temporarily shelved by embodying the resolutions in the form of an Address to the Crown on a vote of forty-six to twenty-three. The majority afforded an index to the strength of the ministry and party lines were somewhat obscured in a division which committed the legislature to no definite action in the future. The Address merely made a request and until it was satisfied nothing more could be done in Canada.

In forwarding the Address to England Elgin wrote with open frankness. He did not find it quite satisfactory nor did he wholly approve of his government in leaving the suggestions which it contained open questions. On the other hand, whilst acknowledging that Grey might find it inconvenient to obtain the repeal of an Act which was intended as a final settlement, he was careful to tell him that he believed that the colony could not be retained were the imperial statute to remain unrepealed. LaFontaine and Baldwin, who recognized vested rights, advocated such a course, "partly because Lower Canada was not consulted at all when the Act was passed, and, secondly, because the distribution made under that Act was an unfair one and inconsistent with the views of the Upper Canadian legislature as expressed at the time but set aside in deference to the remonstrances of the English bishops." Elgin noted with alarm

GROWTH OF RADICAL PRINCIPLES

the growth of radical principles and informed Grey that many members of the legislature were furious that vested interests or churches should be protected and desired the immediate application of the Reserves to the crying needs of education. He professed to see signs that the "Clear Grits" would gladly pick a quarrel with England, but he had hopes that the legislature would not prove unjust if only the protagonists of the Church of England "would cease from driving from her even those who would be most disposed to coöperate with her if she would only allow them." Grey in reply regretted the renewal of the agitation, but he saw that constitutional changes must be respected and that, in a matter "so exclusively affecting the people of Canada, decisions ought not to be withdrawn from the provincial legislature." He regretted that it would be impossible to introduce the necessary legislation at the moment, but he informed Elgin that he intended to procure it during the session of 1851.

The fates, however, were against both Grey and Elgin. Lord John Russell's ministry feared to risk legislation as it was weak in the house of lords where the bishops had a strong following, and as a matter of fact it fell early in 1852. In Canada Baldwin and LaFontaine began to feel that they were losing control. Before the session of 1851 closed on August 31st, W. Lyon Mackenzie's motion abolishing the Court of Chancery in

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Canada West was only defeated by French-Canadian votes and received the support of the majority of members from Canada West. As Baldwin had taken a special interest in the matter and considered the Court of Chancery in a particular way his peculiar care, he felt keenly the result of the division. Although never a strong believer in a double-majority principle, he believed that he had no right to force on Upper Canadians by the votes of the French members a court which they did not want, and he accordingly resigned. On all sides, among friends and foes, Baldwin's decision was regretted. It proved to be the beginning of the end. In a speech of warm praise for his great colleague, LaFontaine announced that he would retire as soon after the close of the session as possible. He was opposed to secularization and in addition, a select committee which had been dealing with seigniorial tenure had outlined legislation which in LaFontaine's opinion provided no real solution and was, he thought, veiled confiscation. In October LaFontaine kept his promise. His colleagues followed his example and the ministry which had guided the destiny of the province through one of the most momentous periods of its history was no more.

Elgin at once sent for Francis Hincks, whose ability he had long recognized, and asked him to form an administration. In undertaking the task Hincks was compelled to recognize that the

LAFONTAINE'S SUCCESSOR

Reform party could not hope to hold office unless some concessions were made to newer men and to newer ideas. There was no doubt about a successor to LaFontaine, for A. N. Morin by his outstanding position was easily the only leader welcome to the vast body of French Canadians. Two members of the "Clear Grit" party joined the cabinet, and it was hoped that this recognition of the more extreme wing of the reformers would strengthen the ministry. However, with George Brown suspicious and disposed to attack Hincks for his attitude towards the Clergy Reserves and for his apparent readiness to fall back on French-Canadian support in a crisis, it was problematical how long the new administration would hold together, even though it was returned to power with a good working majority at a general election, which itself requires some notice. The returns disclosed that changes were abroad. The ranks of the ultra-Tories were decimated and John A. Macdonald had already given evidence that tory obscurantism must make way for newer opinions. The *Rouge* party in return suffered severely and the prevailing type of member returned for Canada East was that of moderate conservative. Elgin urged that the problem of the Clergy Reserves be dealt with as soon as possible. He reopened the whole question with Lord Derby's government and ventured to point out that no ministry in Canada would be sustained which desisted from attempts

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to induce the imperial government to repeal the Imperial Act of 1840. Indeed, he was confident that an appeal to the province on the cry of the exclusive right of Canada to decide the issue would result in an overwhelming victory for any ministry that made it. Elgin's dispatches were supported by Hincks in London, whither he had gone to promote colonial railway projects. He pressed the imperial government, at the special request of his colleagues, to redeem the pledges of its predecessors and the deliberate promise made by Earl Grey to hand over the decision to the Canadian legislature. When rumours were abroad that no action would be taken Hincks approached the colonial secretary and told him of the gravity of the situation. Hincks' fears were unfortunately well-founded. Elgin was informed that the imperial government did not intend to pass the legislation asked for during the coming session. They acknowledged that Elgin's views might be on the whole correct; but with a new assembly there was uncertainty about them and, in addition, the obvious desire for secularization could not lightly be gratified. Hincks was not slow in expressing his disapproval. He deplored friction between the two governments, but he was convinced that the people of Canada would continue to insist that they were better judges than any parties in England "of what measures would best conduce to the peace and welfare of the province." Meanwhile Elgin

THE DERBY MINISTRY

continued to make the matter the subject of further dispatches. He pointed out that delay in England would tend to eliminate any hopes that the endowments would be partially continued and that it was merely piling up unnecessary trouble to postpone action when ultimately the province would gain its point. Lord Derby's government refused to be moved, and appeared quite unconcerned that Hincks would have to face an angry legislature when the Canadian session opened.

On Elgin's advice Hincks anticipated trouble by introducing and carrying a series of resolutions on which an Address was founded, claiming that on a provincial matter such as the Clergy Reserves decisions should not be withdrawn from the local legislature. The general dissatisfaction was emphasized and hopes were expressed that the imperial parliament would comply with claims which were just in substance and wise in policy. Fortunately a serious *impasse* was avoided by events in England. The Derby government respectfully but firmly refused to move and there was a grave danger, as Elgin feared, that the situation might prove another crisis in relation to the imperial connexion. At a moment when these fears were becoming strong in expression, Derby's ministry fell, to make way for Lord Aberdeen with Elgin's old friend, the Duke of Newcastle, as colonial secretary. In May, 1853, the imperial Act giving

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the Canadian legislature full powers was passed, and it was with relief that Elgin wrote to Newcastle and praised his personal exertions and prompt action. He feared that secularization must come, but he could only see wisdom in leaving the matter entirely to the province. The news filled the province with joy, but the Act was passed too late for the Canadian government to take action before the adjournment of the session. Indeed, the Hincks-Morin ministry found itself in grave difficulties over the other great outstanding question. They had succeeded in passing through the Assembly a measure dealing with seigniorial tenure only to find it rejected by the nominated legislative council. This situation created a new problem for the government, for out of it grew an address asking that the Act of Union be amended to allow the elective principle to be applied to the second chamber.

The ministerial policy now developed along peculiar lines. For years increased representation had been a demand, but during the previous sessions the necessary two-thirds majority had not been forthcoming to pass the required legislation. Elgin quietly supported such measures, as he thought that with a small legislature in a province where party spirit ran high "individual votes became too precious which led to mischief." Indeed, he was prepared to urge the imperial government to make provisions for an elective legis-

A POLITICAL CRISIS

lative chamber as a bulwark against patronage. He was then more than pleased when his ministry were finally able to increase the representation of each division of the province from forty-two to sixty-five, and his pleasure was accentuated when, whatever the motives, the ministry refused again to take up the Clergy Reserves and Seigniorial Tenure in a house to which the redistribution had not been applied. The decision, however, caused a crisis in which all shades of opposition opinion united to defeat the government. A motion for adjournment gave Hincks an opportunity to consider the situation. When parliament reassembled on the appointed day, feelings ran high and they were raised to passion when shortly after the Speaker had taken his seat the roar of guns was heard announcing that Elgin was leaving government house. The ministry had decided to conclude the session and the governor-general was already on his way for that purpose. A tumult ensued and amid a scene of wild disorder permission was asked to introduce a bill secularizing the Reserves. The question was barely put when Black Rod thundered at the door and the Sergeant-at-Arms approached the bar of the house to announce his presence. John A. Macdonald then took the floor to attack the ministry. Passions broke loose and in an atmosphere of tense excitement the Speaker decided to admit Black Rod. There was nothing now for the members to do but to follow to the

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legislative council where Elgin was waiting for "the faithful commons." John Sandfield Macdonald, the Speaker, took advantage of the situation to play off his personal enmity against Hincks, who had not offered him the portfolio of attorney-general in the reconstructed ministry. He fell back on the obsolete custom of addressing the governor shortly on the principal business of the session to read an Address to Elgin in which he declared that the ministry were acting unconstitutionally in proroguing parliament when no legislation had taken place—according to him a necessity to constitute a session. Macdonald was quite wrong in his interpretation of law and custom, but he caused Elgin distinct pain. "Deep displeasure and annoyance" marked the governor's face and became more pronounced when he was forced to listen to what was really a public reproof of himself reread in French. Elgin, however, recovered himself sufficiently to deliver a brief speech and dissolution immediately followed prorogation. Elgin had no doubt whatever about the constitutionality of his proceedings. He considered his cabinet fully entitled to make an appeal to the people especially as the opposition had nothing in common except the embarrassment of the ministry. Above all he accepted their plea as honest that they ought not to deal with the two discordant problems until the house had been re-elected on the new foundations. Indeed, in the matter of the

THE FALL OF THE MINISTRY

Clergy Reserves Elgin was emphatic. He knew that secularization was more than probable, and he knew equally that there was strong and honest opposition. Had he encouraged Hincks to proceed without an appeal to the people "friends of the endowment," he said, "would have been able to declare that the opinion of the province had not been fairly taken, and this allegation would certainly have been very extensively believed in England." He believed that the fate of the endowments was fixed, but he felt that it was his duty to advise his ministers so to act that no one could say that "the country was taken by surprise." "The Clergy Reserves must go"—let them go, said Elgin, "by nearly general consent." Constitutional usage has fully confirmed Elgin's policy. Indeed, he was powerless, when Hincks asked for a dissolution, to refuse it if he were going to allow responsible government to have a fair chance of working. The elections, however, were on the whole adverse to the Hincks-Morin government. In French Canada they held their own, though the *Rouges* captured nineteen seats. In Canada West the result was ominous and only thirty supporters of the ministry were returned against twenty-two conservatives, seven Clear Grits and six independents. The ministry only survived the opening of parliament in February, 1854, for a few months and resigned in the following September.

This moment in Canadian history is one of

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considerable importance. First of all, it witnessed the break-up of the old Liberal-Reform party, which had been in power since 1848. A new combination took place in which moderate reformers joined with the conservatives to form what afterwards became the Liberal-Conservative party. The man behind the movement was John A. Macdonald, and with uncanny political insight he saw in 1854 that the time was opportune to join with those moderate liberals of both sections of the province, who on the one hand were out of all sympathy with the Clear Grits and on the other with the *Rouges*. Indeed, Macdonald's grasp on political conditions enabled him to use the "Grit" programme and especially George Brown's strong anti-French sentiments as a strong appeal to Canada East for support when their institutions and customs were under such severe and steady fire. In addition, there was the ministerial group in the house which needed handling, as their support was necessary to carry on the government. The situation required caution. Macdonald let it be known that the conservatives had arrived at the parting of the ways and that they were ready to accept responsible government as a *fait accompli*. That is to say, they were prepared to oppose constitutionally or to govern constitutionally—the people making the decision. The vast majority of the Reformers were angry with the "Grits," not merely for breaking up the party but for intro-

PARTY RECONSTRUCTION

ducing radicalism and extreme views into the political arena. The question was would they be prepared to join with the conservatives along moderate lines or to join with the "Grits" to whom they owed nothing. Macdonald saw the state of affairs with unerring vision. He easily persuaded Sir Allan MacNab that the chance was phenomenal in its opportunity and that the time was ripe to turn it into constructive channels. It may be that there was something of vanity in MacNab as he sat down to count the cost and decided that a political past ought not to stand in the way of his becoming the leader of a powerful ministry. He accordingly approached Morin, who was glad enough to lead his followers along lines suited to their traditional conservatism. From Hincks support was forthcoming. He was only too glad to get even with Brown and his group, and he opened negotiations based on the promise of immediate steps being taken to secularize the Clergy Reserves and to settle seigniorial tenure with the admission of two of his followers into any new cabinet. By September 11th Macdonald was so successful that the MacNab-Morin ministry was formed.

It was always a source of satisfaction to Elgin that he lived to see this party reconstruction, and dealings with MacNab afforded him quiet and subdued amusement. From the very beginning, of course, Elgin had laid it down that it was perfectly

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immaterial to him with what group of ministers he worked, provided they were prepared to act according to constitutional custom and to make their tenure of office depend on the well-known constitutional conventions. As long as governor and ministers understood and recognized these conditions, Elgin was ready to assume a position of dignified neutrality. The theory seemed to many in the province an excellent cloak to cover Elgin's sin in sending for Baldwin and LaFontaine. He was suspected, misinterpreted and not a few saw in the situation an act of appalling political apostacy. Elgin now found in events a happy opportunity to vindicate his personal sincerity and the reality of his constitutional principles. "I have brought into office," he wrote, "the gentlemen who made themselves for years most conspicuous and obnoxious for personal hostility to myself, thus giving the most complete negative to the allegation that I am swayed by personal motives in the selection of my advisers. . . . This is certainly for me, and I hope for the country, the most fortunate windup of my connexion with Canada which could have been imagined." We can well imagine how Elgin appreciated the humour of a situation which turned the fiery "loyalist" of the Rebellion Losses' Bill into a responsible minister on whom lay the constitutional duty of advising the representative of the crown in carrying out the will of the majority. The humour of it all sinks, however, into

A NEW POLITICAL ERA

nothingness in the light of the historic importance of the episode. The advent of Baldwin and LaFontaine proclaimed the concession of a principle, that of MacNab and Morin justified it beyond controversy. It was a singular piece of fortune for Elgin that to him it should have been given not only to sow in tears but to reap in joy.

The new ministry at once settled down to deal with the two issues which had baffled every ministry for years and had been the fruitful source of bitter and relentless strife. To John A. Macdonald fell the honour, for such indeed it was, of beginning a new political era by taking charge of the bill for the secularization of the Clergy Reserves. It provided for the payment of all moneys arising from the sales of the Reserves into the hands of the receiver-general, who could apportion them amongst the several municipalities of the province according to population. All annual stipends or allowances, charged upon the Reserves before the passing of the imperial Act of 1853, were continued during the lives of existing incumbents, though the latter could commute their stipends or allowances for their value in money, and in this way, if they wished, create a small permanent endowment for the advantage of the church to which they belonged. Elgin rejoiced constitutionally but grieved personally. As governor-general he saw responsible government function; as the deeply serious man he sorrowed that endowments set

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aside for religion were secularized. Success also favoured the government in abolishing seigniorial tenure in Canada East. All feudal rights and duties, "whether bearing upon the *censitaire* or *seigneur*," were abolished and provision was made for the appointment of commissioners to inquire into the respective rights of the parties interested. Conclusions in relation to these rights were based on decisions in law of a seigniorial court composed of the judges of the Queen's Bench and Superior Court in Lower Canada. Provision was made for securing compensation to the seigniors for the surrender of all legal rights of which they were deprived by the decision of the commissioners. The result was that all lands previously held in feudal tenure were placed on the same footing as lands in other provinces—a tenure in free and common socage. Liberal remuneration was given to the seigniors for the abolition of the feudal incidents. The changes were not carried out until over ten million dollars had been spent; but at length the farmers of east and west stood equally free, and a system full of anachronisms and unsuited to the modern world disappeared.

There is something singularly striking in the fact that under Elgin these two questions should have been finally settled. The system of seigniorial tenure had its roots far back in New France and spoke of an old colonial system which aimed to reproduce rather than create. The Clergy Reserves

THE OLD ORDER CHANGETH

belonged, too, to an old system, which, whatever its freedom, sought to anchor progress along the moorings of privilege, of the established order, and to guide young colonial feet by the quiet paths of traditional beliefs and the still waters of time-hallowed usages. However paternal all this may seem to an emancipated generation, we cannot but admire much that is appealing both in feudalism and in a stately endowed church. The old order changeth, however, and admiration would pass into foolishness were the appeal allowed so to persist as to rule out change and to encourage the persistence of institutions to which public opinion no longer responded. We may regret, as Elgin did in both connexions, that change must come, but we can share, too, his sober joy that these "stumbling blocks" were removed. To him fell the lot of initiating the political workings of the new colonial system, and to him, too, it was given to sever ties, social and religious, which bound the Canadas to a world that had passed. To sever ties must always be full of pain, and Elgin had his share; but political freedom could not lightly endure such besetting things as feudalism and an endowed religion, and it was well that the man who gave the one should release from the other.

Before concluding this survey of Elgin's Canadian administration we may well say something of two matters which were constantly before Elgin's mind—the defences of the colony and rela-

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tions with the United States—problems which in his opinion were inextricably intertwined. He was quite convinced, with responsible government conceded, that the preservation of internal order should fall upon the colony, but at the same time he saw that there were peculiar circumstances which called for reservations in this connexion. The national boundaries were infested with unruly American spirits, who, in spite of the strictest neutrality on the part of their government, were ready to abet any mischief which might arise in the province. Elgin was not quite clear whether it was or was not the duty of Great Britain to afford the colony some support, especially as the peculiar racial and social grouping in Canada still maintained a colour of exclusiveness and suspicion. Doubtless under the moderating influences of constitutionalism this condition would tend to disappear but for the present he advised that there should be no sudden withdrawal of British troops. On the other hand he was convinced that to extend indefinitely such protection would rob responsible government of a magnificent content and would check the growth of manly and national virtues. He advised that every effort should be made by Great Britain to apply to the fullest and with frankness and fairness the political principles which had guided him in Canada, and to tell the Canadas that there was no conceivable reason why the imperial connexion should not endure indefin-

THE PROBLEM OF DEFENCE

itely. Such an attitude would ultimately produce a state of mind, a spirit of Canadian loyalty which would in themselves solve the problem of defence—in it lay the true secret.

More interesting still was the manner in which Elgin approached the problem. It is sheer common sense, he declared, gradually and *sans phrase* to throw defence on the colonists themselves but always apart from any idea that separation or annexation was at hand and always in inseparable connexion with faith in the endurance of the empire. He did not stop there. He felt that the presence of imperial troops in the colony would irritate the United States, and in the neighbouring republic he saw ultimately “a guarantee in all time to come against the risk of invasion.” We may well ask from whence he derived this idea. Elgin had some dim belief in the solidarity of the Anglo-Saxon race. True, as he openly confessed, his greatest energies were directed to render annexation by any means impossible, but he wished by friendly intercourse and the elimination of all suspicion to create conditions against future wars. With this end in view he made frequent visits to the United States where he was fêted in a spirit of abandon and good feeling. He remained long enough in Canada to see the result of his policy bear good fruit. “When I look back to the past,” he said at Portland, “I find what tended in some degree to create misunderstandings. In the first

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place, as I believe, the government of these provinces was conducted on erroneous principles, the rights of the people were somewhat restrained and large numbers were prevented from exercising those privileges which belong to a free people. From this arose very naturally a discontent on the part of the people of the provinces with which the people of the States sympathized. Though this sympathy and this discontent were not always wise, it is not wonderful that they existed. What have we now done to put an end to this? We have cut off the source of all this misunderstanding by granting to the people what they desired—the great principle of self-government. The inhabitants of Canada at this moment exercise an influence over their destinies and government as complete as do the people of this country. This is the only cause of misunderstanding that ever existed and this cannot arise when the circumstances that made them at variance have ceased to exist. The good feeling which has been so fully established between the States and the provinces has already justified itself by its works. In the British provinces we have already had many evidences to prove your kindness towards us, and within the last seven years more than in any previous seven years since the settlement of the two countries. Let me ask you: who is the worse off for this display of good feeling and fraternal intercourse? Is it the Canadas? Sir, as the representative of Her Majesty

A GENIUS FOR FRIENDSHIP

permit me to say that the Canadians were never more loyal than at this moment. Standing here on United States ground, beneath that flag under which we are proud to live, I repeat that no people was ever more loyal than are the Canadas to their queen; and it is the purpose of the present ministers of Her Majesty's government to make the people of Canada prosperous and happy."

The combination in Elgin of practical wisdom and wide vision laid foundations of amity which were of priceless value. In the long history of "the hundred years of peace" and "the unguarded line," Elgin has never received his due position. "We of the neighbouring nation," said James Buchanan, "though jealous of our rights have reason to be abundantly satisfied with Elgin's just and friendly conduct toward us. He has known how to reconcile devotion to Her Majesty's service with a proper regard to the rights and interests of the kindred and neighbouring people." In the final winnowing of all history it may be that Elgin's greatest work was to begin lessons in friendship between Canada and the United States, so that each, in the separation of its political and social ways, should cultivate a spirit of cosmopolitan self-respect and toleration which are the best guarantees for the peace of the world. Lord Elgin had beyond all doubt a genius for friendship.

The long day's task was over. Never since 1759 had a British governor in Canada made himself so

beloved, so much a part of the life of the province. He said farewell frankly and without reserve. He told of the new constitutional principle, of the fair economic prospects, of the imperial connexion, of his own personal sorrow in leaving—all in terms of simplicity and conviction. Before joining the ship at Quebec in December, 1854, his parting words were of his Canadian days—"some of the most pleasant of his life"—of his being unable to believe "that the future had in store for him any interests which would fill the place of those which he was now abandoning." He almost bequeathed the official residence to the people as "a neutral territory on which persons of opposite opinions, political and religious might meet together in harmony and forget their differences for a season." Elgin indeed meant his final words in the colony: "Farewell and God bless you." We can afford to reconstruct that parting scene. Where once passion reigned, racialism disintegrated, distress cursed were now reason and union and prosperity. Where once a governor took away with him maledictions and hatred, Elgin carried with him blessings and love. He took the Canadas out of the horrible pit of dissatisfaction, out of the miry clay of ineffectual struggles, he set their feet upon the rock of self-confidence and established their goings in the paths of constructive works. Above all he put a new song in their mouths—the song of glad personal endeavour, of responsible achievement, of

BIRTH PANGS OF A NATION

dignity and self-respect. The spirits of Murray and Carleton, of Durham and Bagot went with him down the river and, as he gazed back, he saw in dreams the figures of that stout-hearted, surefooted Robert Baldwin and that courageous, loyal, creative LaFontaine who had stood beside him at the birth pangs of their nation.

CHAPTER VII

THE ABOMINABLE EAST

WHEN Lord Elgin reached home, Great Britain was passing through something of a crisis. The progress of the Crimean War had made it evident that the entire military machine was not at all in a state sufficiently efficient for carrying on a long campaign. The blame for a situation of slow development fell on Aberdeen's coalition ministry, which disappeared to make way for the sterner and more resolute methods of Palmerston. Elgin was at once offered a seat in the cabinet, which he refused while at the same time declaring that, apart from party politics of which he necessarily knew nothing after his long absence, he was prepared to support any policy which would bring the war to a successful issue. For almost two years he lived mostly at Broomhall and the few speeches which he delivered during his release from diplomatic activities were concerned either with the struggle in the Crimea or with the new and enlightened colonial policy which he and Grey had inaugurated. Events, elsewhere, however, were taking on an ominous cast, which was to influence his whole future career. The first British war with China had, in 1843, resulted in the treaty of

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Nankin, under which British and other traders had been promised access to Canton. The Chinese, however, shewed little respect for their treaty obligations and under Yeh, the governor of the province, the foreigners, whom his country despised and hated, were uniformly denied their international rights. In this attitude Yeh was merely shewing himself a shrewd student and follower of the policies valued and rewarded at Peking.

Matters might have been simplified and brought to a more or less satisfactory solution by a process of diplomatic attrition had not an episode occurred which Great Britain made the occasion for tightening the screw through a military and naval display. On October 8th, 1856, the Chinese seized at Canton the lorcha *Arrow*, carried off the crew and made charges of piracy. According to some witnesses the vessel at the time of boarding was flying the British flag. The undisputed facts were that the lorcha was owned by a Chinese merchant and that, though commanded by an Englishman, the majority of her crew were Chinese. The British representative at Hong Kong, acting as trade commissioner, had been accustomed, since foreigners as yet were not admitted to Canton, to grant annual registers to Chinese vessels accompanied by certain trade facilities, such vessels being allowed to carry the British flag. Among these the *Arrow* had obtained a register in September, 1855, due to expire in twelve months. No evidence is

THE "ARROW" AFFAIR

forthcoming to shew the legal grounds on which the *Arrow* claimed the protection of the Hong Kong register and Palmerston darkened council with words in discussing this matter in parliament. With his shrewd insight, however, into British psychology, he professed to believe that the *Arrow* was *pro hac vice* a British vessel and declared that he thoroughly supported Sir John Bowring, the British representative at Hong Kong, in resenting the insult offered to the flag and Great Britain by the Chinese. Meanwhile Bowring demanded an apology and the release of the lorcha. When his demands produced no result he directed Admiral Sir Michael Seymour to enforce them. Seymour at once seized the ports guarding the approaches to Canton. Yeh surrendered the crew, and Bowring, believing the moment opportune, now proceeded to ask for the admission of foreigners to Canton and for the fulfilment of treaties. A desultory war broke out. In reply to Yeh's refusal, Seymour in November, 1856, bombarded Canton, while the Chinese replied by setting fire to foreign factories and murdering many Europeans. As soon as the diplomatic correspondence was laid before parliament, Palmerston suffered defeat on a vote of censure. In characteristic mood he refused to resign. He declared that a special envoy would be sent out to supercede local authorities and armed with full powers to settle relations between England and China on a broad and solid basis; and

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he dissolved the house, going to the country on the cry that servants of the crown placed in trying situations abroad must not be deserted by the mother country. His knowledge of the national temper resulted in his triumphal return with a majority of seventy. Before, however, the results of the election were known Palmerston after "anxious deliberation" had acted. Troops were sent forward and Lord Elgin was chosen as the most outstanding man for a delicate mission in which diplomatic skill, force of character, resolution, mercy and humanity were so emphatically required. In April, 1857, he was *en route* for China by way of Egypt and arrived at Ceylon before the end of May, accompanied by his brother, F. W. A. Bruce, by H. B. Loch, and by Lawrence Oliphant as private secretary. The troops meanwhile had been shipped around the Cape.

On arrival at Ceylon, Elgin heard the startling news that the Indian mutiny had broken out. The situation was grave, but as yet there were no indications of its extreme nature and Elgin determined to hurry on to China, complete his mission there, and have his troops free for service in India did future events demand their presence there. Accordingly, he pushed on and reached Singapore on June 3rd. By this time the blaze had spread and an urgent message reached him from his old school and college friend Lord Canning, the governor-general, to forward him troops. The decision

THE INDIAN MUTINY

required sobriety. In China events were moving from bad to worse; incendiarism, kidnapping and assassination were on the increase and the British could do nothing decisive until the arrival of Elgin and the troops. Thus, if he decided to divert the troops and if affairs in India turned out less serious, he would be accused of having lost his head and of having sacrificed valuable British interests which it was his special duty to protect. With the customary judicial approach Elgin weighed the situation. He balanced India against what were after all mere trade relationships in China. He had had an emphatic call from the man on the spot and he had uniformly pleaded that such a man ought always to receive the benefit of any doubt. Accordingly with fine and unequivocal decision he gave orders that the destination of the troops should be changed to India; meanwhile he went on to China, continuing his voyage in the first, class battleship, the *Shannon* (under the command of Captain Peel, Sir Robert Peel's younger brother), and arriving at Hong Kong late in June.

The inactivity forced on him by his decision in connexion with the troops was further emphasized. The Chinese, making no fine distinctions, had piled up scores for settlement with the United States, France and Russia, and representatives from these countries were being sent to Canton. None, however, had as yet arrived, and Elgin, knowing that isolated diplomatic action would be

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useless and that he was expected to act in close concert with Baron Gros, the representative of France, who could not possibly arrive until the end of September, was faced with making a further decision. He saw clearly that to await impotently at Hong Kong would only serve to encourage Yeh. In addition, Canning was beginning to feel the strain of tragic developments. His very calmness and moderation were not accounted to him for righteousness, and he urged Elgin to come to Calcutta to give him council and support. Elgin once again made his choice with imperial interests in view. The *Shannon* with her able commander and magnificent armament would be of great assistance, and additional troops could be spared. Accordingly in the middle of July Elgin sailed for Calcutta.

The tedious journey lasted three weeks and Elgin's anxieties knew no bounds when at Singapore he heard of the massacre at Cawnpore. In Calcutta his coming was awaited as that of a deliverer. When on August 8th, the *Shannon* passed Garden Reach, public excitement rose to fever pitch. The situation was indeed serious. "There was hardly a countenance in Calcutta," wrote Elgin, "save that of Lord Canning, which was not blanched with fear. I shall never forget the cheers with which the *Shannon* was received as she sailed up the river." He had good cause, too, for comfort. A naval brigade from the *Shannon*

THE ABOMINABLE EAST

covered itself with glory at Allahabad, while his troops destined for China garrisoned Bengal and relieved both Lucknow and Cawnpore. On the other hand, the month which he spent in Calcutta stirred him to deep questionings over what he described as "this abominable East." Here with an empire at stake, life and fashion and amusement went on with their customary thoughtless routine in an atmosphere of superior hauteur. Elgin was far from pleased: "It is a terrible business," he wrote, "this living among inferior races. I have seldom, from man or woman since I came to the East, heard a sentence which was reconcilable with the hypothesis that Christianity had ever come into the world. Detestation, contempt, ferocity, vengeance—whether Chinamen or Indians be the object." He shuddered at the prevailing desire among the Europeans to crush and to kill. He even found missionaries regretting that torture did not precede hanging. He did his utmost to help Caning in the circumstances, but it was with no personal regrets that he returned to Hong Kong within a few weeks.

He had already begun to be critical of the contacts of East and West. In China an ancient and imperial civilization, informed with a spirit of exclusiveness and proud in its age-long claim that it was not as these "foreigners" were, was being brought into contact with western ideas. What especially annoyed Elgin in his own country-

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men was the all too frequent display of irrational arrogance. He could see nothing but insolence in demanding that Chinamen should take off their hats every time they met an Englishman—especially as the act denoted no mark of respect in China. He deplored the fact that the unwarlike character of the Chinese traders encouraged this spirit. Above all his whole moral nature revolted against the immorality of approach to eastern life, as though it were completely outside and beyond anything human and did not deserve even a moderate application of righteous standards. Perhaps the most interesting thing in Elgin's eastern career is the courage with which he remained a diplomatist without ceasing to be a man.

With the arrival of Baron Gros, Mr. Reed representing the United States and Count Pontiatine representing Russia and with the presence of troops owing to the situation clearing in India, Elgin felt that within reasonable time Yeh would yield to moderate terms. Unfortunately, the Chinese officials had learned nothing advantageous from western methods—at any rate, Yeh's idea of diplomacy remained as of yore, and was still characterized by an indifference either assumed or stoical. At length on December 12th, 1857, Elgin determined, with the full support of Baron Gros, to send an ultimatum demanding the fulfilment of the treaties and compensation for British losses. Failing these, Elgin announced that affairs must

A WRETCHED QUESTION

pass into the hands of the naval and military authorities. He knew the seriousness of his action and he knew only too well its implications. Here was a people as far removed from the diplomatic and official activities of their governors as they could well possibly be, and already suffering intensely from a stupidity which had issued in the blockadé. War—the refusal of the ultimatum—meant untold suffering. Elgin, however, was on no visitor's tour, no pleasure-seeking visit. He had been sent to carry out definite orders and he aimed to keep his demands within reason and equity and as moderate as his mission could successfully allow. The ultimatum did not make excessive claims. On the other hand he dreaded that, if the crisis came, he would be responsible for handing over the situation to treatment which in the East was bound to produce tragic results. If Canton were attacked there would be a massacre of innocent people, who did not understand diplomacy and international usage, who were even ready cheerfully to assist Elgin in pulling off one of his gun-boats after it had gone aground at Canton. It was no wonder that he declared: "Fancy having to fight such people. . . . I hate the whole thing so much that I cannot trust myself to write about it." As for the *Arrow* affair he considered it "a wretched question . . . a scandal to us, and is so considered by all except the few who are personally compromised." However, he could only do his

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duty and hope to control excesses. The bombardment, failing Yeh's diplomatic surrender, would begin on December 26th—the Feast of the Holy Innocents. "I never felt so ashamed of myself in my life," said Elgin, "I am earning a place in the Litany as plague, pestilence and famine." Yeh refused to yield.

For twenty-seven hours Canton was shelled, and on January 1st, 1858, Elgin and Gros took over the city. Four days later Yeh was captured and sent to Calcutta, where he soon afterwards died. The capture of the city was conducted with reasonable precautions against unnecessary loss of life. The allies selected Yeh's official, Pehkwei, as lieutenant-governor. A week later the new régime was inaugurated with all the pomp and ceremony available. In truth the city was never happier. Unfortunately, to Elgin's disgust, "looting" continued. He saw to it that the British sailors were confined to their ships and that the cat was used to punish such breaches of discipline. When the civil government was set up and there were still disorders which called for direct dealings from the naval and military authorities, he announced that unless discipline was fully respected he would use his undoubted authority to order the evacuation of the city, merely retaining points of vantage as bases for diplomatic negotiations. "No human power shall induce me to accept the office of oppressor of the people," he declared, and the American

GENTLE AND DISCREET

representative supported his "gentle and discreet councils," against those who thought him too soft or chicken-hearted for the demands of war. It was well that Elgin took the situation in hand as it was soon only too obvious that Canton had suffered in vain. No results were obvious at Peking, and, indeed, friendly relations had not been broken in the northern provinces. Elgin realized that negotiations through intermediaries were likely to prove futile and he urged the necessity of diplomatic or other action somewhat nearer imperial circles. All the other plenipotentiaries concurred and in February the blockade of Canton was raised, and Elgin acting with Gros took measures to inform the Chinese government that the occupation would continue until foreign ministers were received at the Court and foreigners were granted more freedom of movement throughout the empire. He demanded that an imperial commissioner be sent before the end of March with powers to carry on negotiations at Shanghai: failing the acceptance of this proposal Elgin threatened a further use of armed force. Early in March he sailed for Shanghai, followed by Admiral Seymour who had promised to assemble an adequate flotilla. As he left Canton he could congratulate himself that his rule of doing nothing with which his conscience could reproach him had been fully kept.

Shanghai was the most northerly treaty-port and the nearest to the capital. Here, if anywhere,

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Elgin might hope to make an impression, as the city was well within the orbit of the imperial influences. To his dismay he found no commissioner, merely a message, not from the imperial secretary of state but from an underling, that no imperial commissioner could carry on parleys at Shanghai and that at Canton alone would negotiations, if any, be opened. Elgin dealt with the studied insolence in a firm and unbending manner. He decided to advance on Peking. An advance in full force was impossible as Seymour had been unable as yet to leave Canton, so Elgin resolved to go forward to Tientsin with a few gunboats. Difficulties of navigation at the mouth of the Peiho held up the expedition, and meanwhile a considerable fleet had been assembled. Elgin and his colleagues were now conscious of their strength and informed Yu, the secretary of state, that they would allow six days for a commissioner to arrive at Taku. Yu continued to dodge the issues. The naval officers, however, had solved the problem of crossing the sand-bars, and by May 1st several warships were inside ready for action. Unfortunately their activities stopped, and weeks were wasted in meaningless attempts to find out the strength of the forts. Elgin found his hands tied and he wrote with bitter contempt for plans which in reality robbed his mission of a plenipotentiary nature. We can afford to neglect the excuses urged by the admirals as, were the issues so extremely doubtful, they should never

THE FORTS SURRENDER

have crossed the bar. Their final decision to take action after the annoying and irritating delay and when an opportunity had been given to make the forts stronger, seems to point to some lack of sincere coöperation. However, there is no necessity to resurrect a dead controversy—the fact remains that within a few hours every one of the forts surrendered.

Plans were now completed to ascend the river. Elgin sent forward Oliphant to report on conditions at Tientsin, and in due course he set out in a British gunboat with Baron Gros. Once more Elgin made resolves, as he was apparently nearing some end. He hated much of the methods—much that “kept him in a perpetual boil”—but he believed that he could act with courage and determination, without betraying his instincts, which, he said, “loved righteousness and hated iniquity.” The arrival was characterized with deliberate ceremony, and when Elgin went through the city on any official business he was accompanied by troops and military bands. Finally, two commissioners arrived, and the display of force had at length brought the appearance at least of sincerity; but Elgin continued to move more troops from Hong Kong, as he believed that the greater the forces the more likelihood of carrying through some diplomatic agreement. Throughout the negotiations his mind never relaxed. When he discovered that the commissioner’s instructions and powers were not

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covered by the kwang-fang—the seal given to high officials—and when they declared that it was given only to permanent officers, he broke off the parleys in a mood of assumed abruptness and disdainful hauteur. His procession filed through the streets to his quarters indicative of anger and disappointment. Peking took the hint and parleys were resumed.

By June 26th final terms were agreed on, covering *inter alia* Britain's right to send a minister to reside permanently at Peking, freedom of travel throughout China for all British subjects, and indemnity for all losses incurred. In a magnificent setting in the Temple of Oceanic Influences the treaty of Tientsin was signed, Elgin going and coming to the scene accompanied with a procession of over half a mile. Provisions were made for the exchange at Peking of ratifications within a year. Here, perhaps, Elgin made the greatest error in his diplomatic career. He thought that he had gained a treaty, that difficulties were ended and that the ratifications would follow as a matter of course. What had happened was a surrender to the display of force and China was as far off being a party to treaty obligations as ever. Had Elgin gone on to Peking and insisted on carrying everything to its formal end by an interview with the emperor, his diplomatic career would have been free from one serious error. On the other hand it is well, when forming a judgment, to remember that his military

A VISIT TO JAPAN

advisers pointed out to him the lateness of the season and that it might not be possible to allow him so many soldiers, as the lower provinces and Canton were once more seething with a discontent which required every available man. Indeed, the withdrawal from Tientsin came none too soon. Even during negotiations and at the moment of signature Pekin was giving the lie in the south to its pledged word and the Chinese "Braves" were already making the future of Canton grave and insecure. Chinese affairs passed momentarily into military and naval hands and Elgin took the opportunity to carry out instructions by attempting to negotiate a treaty with Japan. A magnificent steam yacht had been sent out as a present for the Japanese emperor and Elgin now determined to deliver the present and to open parleys. On July 31st, 1858, he sailed with his suite from Shanghai for Nagasaki.

Japan was practically an unknown country still under feudal rule and Nagasaki was practically the only place familiar to foreigners. It is unnecessary to delay over Elgin's diplomacy in Japan, as the treaty which he negotiated was not ratified for many years to come. It lies, too, outside the scope of this study to consider the impressions which his short month's visit made on him. He undoubtedly saw more of the country than any previous foreign visitor, and the mission provided Oliphant with opportunities for some of his most brilliant,

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satirical and cynical pages. The impression, however, which may well be recorded, is that Elgin's general judgment of Japan is the least sound of all his pronouncements. His estimate of the advances which had been made was far too dogmatic and the romantic elements of an unknown country seem to have blinded him to the presence of much that was still primitive and savage. On the other hand, if his broad generalizations were far too favourable, he saw at least a framework of political organization and social order—which stood out in violent contrast with China—and he first gave to the world an authoritative opinion that Japan was already passing from classification among oriental states. Indeed, this opinion itself received justification within a short period. During the ten years following Elgin's visit Japan passed to political solidarity. The passing was violent and barbaric, but it successfully purged the country from those dangerous fundamental evils which too largely escaped Elgin's notice, and its successful intensity proved how far Japan had travelled from the barren diffidence and aloofness of the East.

Elgin returned to China on September 2nd, 1858, confidently expecting to meet the commissioners at Shanghai and to complete the treaty. His work was not destined to end in such simplicity; Canton was in flames with the assistance and connivance of Hwang the governor of the province; Elgin was no longer master of the situation as he had been

THE OPIUM TRADE

before he left for Japan; he had no assurances that any paper agreements had any meaning. When the commissioners at length arrived, Elgin was once more forced to use threats, and the obvious breaches of good faith in Canton and elsewhere were only given even a theoretical redress when the occupation of Peking was once more suggested as a possible cure. It was not till October 16th, that Elgin felt justified to go on with the work. The most important point in a mass of dull debate is the problem of the opium trade, which was now for the first time legalized in China. It would be impossible here to discuss adequately the various issues that have been raised, going far back behind Elgin's time and remaining to perplex and harass modern diplomacy. Elgin made the best of a situation whose ramifications were quite beyond his control. He saw that the Chinese prohibition of opium was simply futile and that the law was openly defied with the connivance of almost all the Chinese officials. He debated the pros and cons of the problem, and he finally decided that, since prohibition merely encouraged a rich illicit trade and created a huge business apart from the law, it seemed wiser to legalize the traffic and to attempt some control by duties sufficient to tax severely and yet insufficient to encourage smuggling. As soon as he had arrived at his conclusions, which, we may note, received the approval of his American colleague, Elgin hurried on the

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negotiations and on November 8th he was able to start to carry out a project on which his mind had long been set—to take a British squadron up the Yang-tse-Kiang and thus to put to the test the treaty rights of travelling anywhere in the empire, to see the prospects for trade and incidentally to note how far these rebellious areas had been restored to peace. Elgin reached Hankow after some opposition and began his return to Shanghai on December 12th. The voyage had no diplomatic significance: and, indeed, Elgin's absence may have had something to do with the fact that Canton was still in open revolt against foreigners, that Hwang was not recalled, that the "Braves" were as insolent as ever and that Peking remained quite indifferent. For some time the work had begun to irritate him and he felt that he might well leave the enforcement of the treaty to other hands, especially as his brother Frederick (afterwards Sir Frederick) Bruce had been appointed minister to Peking and was already on his way out. He had the satisfaction, before his brother arrived on April 6th, 1859, of knowing that Canton had been reduced to something like peace, that Hwang was dismissed and that the emperor was ready to receive his brother and to exchange ratifications. His health was shewing signs of weakness; but it is clear that his wisest course would have been to have stayed at Tientsin or at least Shanghai until the emperor had given effect to his promises.

THE PEIHO REVERSE

No sooner had Elgin left than the old procedure began, and Bruce was told that he would not be welcome at Peking. The allied ministers, after many conferences, decided that the ratifications must be completed, and Bruce and his colleagues left for the Peiho on June 11th, only to find the entrance blocked. A fortnight later Admiral Hope was ordered to force a passage. The fire from the Taku forts compelled him to retire and a gallant attempt to storm them ended in a disastrous repulse with the loss of 460 killed and wounded. Everything was now held up until reinforcements arrived from Europe, and it was more than a year before the situation could be retrieved. Elgin's critics blamed him for the humiliation and declared that he ought to return. The deciding factor was the general public opinion that if war were to be prevented he alone could do so, while, if it were inevitable, he alone could carry it on with success. He accepted the task against his will but with the conviction that it was his duty to make an effort to guide if possible the Chinese situation out of brutalities and European exploitations into some future worthy of civilized, Christian virtue. Within a year of his arrival home he was back in China once more coöperating with his tried colleague Baron Gros. On August 21st, 1860, the Taku forts were successfully attacked and the way opened to Tientsin and Peking. The advance of the British and French forces began in the middle of Septem-

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ber, but before they actually reached Peking a meeting was arranged with the Chinese commissioners, who promised to accept entirely Elgin's demands. However, the fates dogged Elgin's steps. The war faction succeeded in gaining control at Peking; and when Elgin sent forward representatives to make final arrangements for the completion of the treaty and the reception of the resident minister, four of them were seized and died in prison after experiencing indescribable torture. Two of them escaped death, but they were not released from their ghastly confinement until after Elgin had captured the emperor's summer palace as an object lesson to the Chinese government. Punishment was meted out with a heavy hand: the palace was burned to the ground and a large indemnity was exacted. On October 24th the treaty of Peking was signed and Elgin's "three years of torture" were at an end. He returned, as he hoped, to spend the evening of his days with his family and friends and with a profound desire never to see the East again. Amid every call of duty, since he left Canada, he had felt a reserve. He was not clear in his own mind that Great Britain had taken up an attitude of high morality in her Eastern dealings. Policy seemed to him too materialistic, too full of evils, too liable to lend itself to exploitation. With his deep religious sense and high moral standards, Elgin was never at home either in China or Japan, and it was with a sense of

VICEROY OF INDIA

relief that he saw once more his own home land and his family circle.

The period of rest to which he had long looked forward, the enjoyment of his home and children, which had filled countless letters to Lady Elgin with devoted anticipatory pleasure, were never to be his. He had not been a month at home when the viceroyalty of India, about to be vacated by Lord Canning, was offered to him by Palmerston. The offer was accepted—with a presentiment that he would never return—and the Queen roused herself from the sorrows of widowhood to receive personally the first viceroy ever appointed by the sole act of the Crown. The details of his viceroyalty lie outside our review, but it is well to recall some signposts before any attempt is made to sum up his approach to and handling of the Indian situation. Elgin was installed as viceroy at Calcutta on March 12th, 1862, and he remained there till February 5th, 1863—a year which saw the arrival of Lady Elgin, and of Henry Maine and Sir C. Trevelyan as members of his council. Leaving Calcutta,—forever as it turned out,—he visited Benares, Allahabad, Cawnpore, Agra, Delhi, where he carried out the official ceremonies of durbars and speech-making, while his mind was busy with the old familiar methods of trying to gain accurate knowledge of men and affairs. He reached Simla on April 4th, 1863, and remained there for five months. In September he began a trip in the

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mountains, but his health was broken and he succumbed to an attack of heart disease, doubtless accentuated by over, exertion in the keen mountain air. He died on November 20th, 1863, and was buried privately on the following day in the cemetery at Dhurmsala.

Elgin faced in India problems analagous to those which he had faced in Canada—a transition period after civil war, accentuated social antagonism, constitutional issues, financial difficulties and foreign relationships. The period of his rule was so short that no time was available for great constructive work and we can only glean here and there indications of Elgin's policy. It is impossible then to arrive at any conclusions or to fit him into a permanent place in Indian history. On the other hand, these indications are in themselves so interesting as the approach of perhaps the wisest imperial servant of his day that we may well record them for the light which they throw—however dimly—both on the man and his work. They afford us also an opportunity of seeing Elgin's attitude to familiar difficulties in newer settings.

Elgin's year and a half in India coincided with "the great transition." The mutiny was over, peace reigned and the traditions and administrative machines of the East India Company were rapidly disappearing to make room for the new imperial régime. Elgin came with all his gifts of impartiality, of self-control, of critical analysis, of high judicial-

THE RACIAL PROBLEM

mindedness, of devotion to liberty and fair dealings, and he brought them to bear on a changing world of Indian affairs. In addition, he brought the priceless gift of practical-mindedness, which had been developed to a crowning point of creative success in the Canadas and had so often stood him in good stead in the far East. He was now *the* viceroy, practically a despot—behind him lay the old days of the mercantilist obscurantist administration; before him broke the dawn of a modern world. He had, as we have seen, laid down high standards for rule in the East. Would he be able so to apply them that the dawn would not fade into storm clouds charged with the thunders and lightnings of a traditional despotism?

Elgin was not long in India before he came in contact with a racial problem. The Anglo-Indians, like the tory clique in Canada, were full of resentment against any race and people except their own. They condemned with the same generalizations, cursed with the same omnicompetence, waxed fat and kicked with the same assurance of all exclusive righteousness. The viceroy had not, of course, opportunities such as he had in Canada to vindicate politically all men under his rule; but his generosity and fair-mindedness were obvious from the moment of his arrival, and he at once gave evidences that he would be no party to economic advantages or social developments derived from any unjust treatment of the native

Indians. He made it a fundamental object to establish good relations between white and brown—and his work here was heroic on account of the peculiar contemporary conditions. In this work of racial conciliation, as in the Canadas, he had behind him his immediate superior. Wood, the Secretary of State for India, played the part which Grey had done years before. He laid down great principles not merely for the protection of the native against “white masters,” but for his receiving such public recognition in law and in justice as was the right of a free British citizen. Elgin responded with full-hearted conviction. Not only did he bend his energies to carry out Wood’s plans in administration, but he stood out in magnificent sternness against wilful breaches of traditional customs or violent and insolent neglect of native religious sentiment. He had a profound contempt for all forms of excessive and unwise missionary zeal, and one of his most resolute aims in this connexion was to teach the prophets that their spirits must be subject to them. More important still, he knew enough of the East to realize that the natives suffered when the whites became suspicious and panic stricken. At the moment India was peculiarly liable to such outbreaks with their consequent results of petty persecution, of racial fears, of inequity, of injustice. Elgin dreaded any wilful contribution to such a state of mind, and when an opportunity offered

TRADITIONAL BUREAUCRACY

itself he administered a rebuke to no less a person than the commander-in-chief, Sir Hugh Rose, when the latter regaled him with a collection of reports founded on gossip and rumour. There is something delightfully amusing in the new civilian viceroy informing the tried soldier that he could not set much value on his information and that he was not prepared to bridge the gulf between "designs more or less shadowy" and such as exist always where east and west meet and the "adoption of measures which may compromise our finances by entailing on us heavy expenditures and our dignity by making us parties to intrigues which we can neither control nor fathom."

In actual administration Elgin's interest lay primarily in the constitutional machine. The old directors of the Company had disappeared, but as yet the office and work of the Secretary of State for India and his council were far from clear. No one knew exactly what the Secretary-of-State-in-Council could do or could not do, or dare do or dare not do, nor did any one grasp the implications of a viceroyalty where once a governor-general had ruled. Elgin's mind was not any the more informed when he came up against the stone wall of traditional bureaucracy and when he found officials sent out from England to give him advice in important functions, who did not scruple at the same time to take part both in India and in England in the political discussions

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of highly controversial subjects. Nor was the situation made any better when Wood declared that "the home government is the absolute power." Elgin refused, on the same principles as had guided him in Canada, calmly to accept such a definition of authority. He believed that the domestic situation in India was not understood; and he was all the more convinced that the home government could not be absolute with any approach to justice and fair dealing, when Wood and his council continued to go behind the viceroy's back to receive reports from persons "out here who pass judgment on what happens with the freedom characteristic of the verdict of persons who are themselves irresponsible and very imperfectly acquainted with the notions of those whom they criticize." The general impression left from Elgin's correspondence with Wood is that he believed that India would best be governed in India and as much apart from undue imperial direction and criticism as possible. Whether that conclusion is the correct one is another story, but the fact remains, that however undefined the office of viceroy continued to be, Elgin was practically master of the situation. He had a suspicion of divided authority: and, in addition, if he were to be called to account in London, he wished judgment from his peers and not from gossip-mongers and backstairs politicians to whom the Secretary of State should have owed nothing but consistent snubs.

THE LEGISLATIVE COUNCIL

In India itself Elgin found an interesting situation in relation to the governor-general's council which had developed under Lord Dalhousie into a kind of legislative council. Did Elgin think of development here? In London, Wood had lots of Indian experience and John Lawrence was at his elbow in the council. Elgin was not two months in India before the Secretary of State laid down a fairly clear-cut position: "You have a council which occasionally makes laws, and when it makes laws certain other people sit with your ordinary councillors. But your council is one and the same council; and we took very great pains throughout the Act to avoid any word which could favour the action of the separate existence of a legislative council. . . . You have no legislative council." For Elgin then there was no opening for constitutional experiments; but there is just enough evidence in his correspondence to allow us to think that had he lived he would have brought to bear all his experience to enlarge and strengthen the legislative council. He planned to hold sessions of it in important centres other than Calcutta and he hoped, as he told Trevelyan, to popularize it and to give it "a more catholic temper."

In public finance and in foreign policy Elgin's characteristics stood out. He could not see any sense in wild expenditures, but he saw a lot in a carefully balanced budget, with due *appropriations*

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for public works and education. To the problems of the northwest frontier Elgin made no contribution, but perhaps in no other activity of his career did he move with a greater sense of certainty and conviction. In this connexion his mind was always made up and when issues arose he carried out what he believed was the only policy. Here as elsewhere he was the liberal conservative of Peel's school. He believed in a wise and carefully balanced pacifism, which on the one hand did not erect peace into an inviolable political dogma, and on the other accepted it as the thing to seek and if at all possible to obtain. This did not in the least mean for Elgin dishonour or cowardice. His honour suffered no stain, and the records of his eastern experience and of his diplomatic firmness in India and, even with Wood, disclose him as a man of personal courage and political rigidity when the occasion demanded them. What he refused to be was a jingo or a fire-eater. His policy for the Indian frontier—and it was the policy of both Wood and Lawrence—was “masterly inactivity,” with a localization of trouble if it could not be avoided. Perhaps his policy may best be illustrated from an episode at the close of his career. Some fanatical Mohammedans, a constant source of frontier disorder, threatened further trouble along the upper reaches of the Indus, and there was evidence that neighbouring tribes were ready to support them. Elgin had left Simla on

HIS FOREIGN POLICY

his way to Peshawur and he thought "that the interests of both prudence and humanity would be best consulted by levelling a speedy and decisive blow at the embryo conspiracy." To Sir Hugh Rose, who advised delay to the spring and war on a larger scale with the commander-in-chief in charge, he was opposed. "I wish," he told Wood, "by a sudden and vigorous blow to check this trouble on our frontier while it is in a nascent condition." It lies outside this history to follow the troubles to their conclusion after Elgin's death, but his attitude discloses a man who could act or advise action at the right moment, and who advised it not merely as at times a necessary part of administration but as at times the prudent guardian of humanity. In foreign policy he was opposed to war for war's sake, and he saw the frontier as the last place on earth to encourage ceaseless and flamboyant displays by military men who knew nothing of civil problems. He believed strongly in frontier defence, and in this he shewed himself a member of the great traditional school of Indian strategists, but it was to be such a defence as would fit in with Indian administration, not merely as a domestic whole but as part and parcel of that of a world-wide empire. Time, however, allowed Elgin's ideals no test. The curtain now falls on an unfinished play—the manuscript is buried in the inscrutable archives of death.

CHAPTER VIII

A MAKER OF CANADA

AS Elgin's diplomatic career is viewed in the perspective of well nigh a century, it is possible, without any fear of contradiction, to say that his hold on historical fame lies in the fact that he was in a very true sense a maker of Canada. In China and Japan he carried out a work which might have been done by many of his contemporaries, and even had he been essential, the missions on which he was sent did not issue in far-reaching policies nor did they contain the rich promise which Elgin foretold in the successful working out of his Canadian administration. In India, his régime was too short to take a permanent and creative place in Indian history. In Canada, on the other hand, he passed from strength to strength. From countless points to-day in the political and imperial scheme of the Dominion of Canada we can go back across the years to that crowded middle period of the nineteenth century and find Elgin's principles. We can hew down to the foundations of the national structure of modern Canada and discover huge granite rocks, corner-stones, laid true and permanent by the governor-general. His monument is indeed not amid the

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far-off Indian hills, but in the living body of a great nation within the empire to which his faith and conviction were inseparably attached. In concluding then this sketch of his career, we can without disparagement afford to neglect his other claims to distinction and to sum up in broad generalizations his position as a maker of Canada, and in that making his position as a permanent maker of the modern British Commonwealth.

For well over half a century before Elgin arrived in the Canadas there had endured a somewhat remarkable colonial experiment, based on what we may call Pitt's conception of empire after the loss of the Thirteen Colonies. As Englishmen looked round for explanations of the American Revolution they professed to find them in the prevalence of too much democracy, too much freedom, too much deviation from centralized sovereignty. They therefore determined to give to the Canadas, created by proclamation under the Constitutional Act of 1791, not merely a constitution "the image and transcript" of the British but one in which the comprehensive imperial theory of sovereignty should be unmistakable. Whatever the position of the governor in the Thirteen Colonies, now he was to be a real governor, a vital, necessary and fundamental official entirely responsible to the imperial sovereignty, which in its plenary powers granted a new constitution, as the Act said, "to provinces

HISTORY REPEATS ITSELF

dependent on and belonging to Great Britain.” Whatever the law of the disallowance and reservation of colonial bills in the lost empire, here it reappeared in the hands of a reliable officer. Then, too, the old mercantile theory found its due place in sections of the Act. In the sections dealing with the Clergy Reserves and in earlier sections, fortunately less pregnant with mischief, by which it was sought to attach to seats in the Legislative Council “hereditary titles of honour,” the attempt was made to endow Canada with those two bridles of a too lawless democracy, an established Church and a House of Lords. In other words, in every field in which the lost colonies made challenges and found through the sword an answer to every *non possumus*, that *non possumus* was written into the constitution of the new American Empire which rose out of the old.

The history repeated itself. At first all went fairly well. In Canada East—in Quebec—for a long time French-Canadian civilization kept the even tenour of its traditional ways. In Canada West—in Ontario—the creation of a new province and the early struggle for homesteads in a virgin forest absorbed much of the attention of sturdy English-speaking settlers. When, however, the older civilization at length realized that in a modern world it could not survive merely by living in the racial and cultural past of paternalism, and when in the newer settlements pioneer life

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passed into growing achievement there were social stirrings, constitutional questionings—the provinces were coming to political birth. Political advance was accentuated on the one hand through grave racial clashes, on the other with the advent of newer immigrants—the by-products of the Napoleonic Wars and of the Industrial Revolution. Group consciousness, as in the old lost colonies, grew up; widening outlooks as of old developed.

The colonial situation, however, was complicated owing to the accentuation in Great Britain of a political rigidity which was supposedly the necessary lesson to be learned from the events of 1764-88. Seven years had not passed under the constitution of 1791 before troubles were in the air and men were beginning to look with doubtful reverence on an instrument of government which in the final analysis robbed them of the deciding say in directing and controlling their domestic affairs. Governor Milnes was soon congratulating the imperial cabinet that the colonial executives were irresponsible. Within fifteen years Governor Craig saw with dismay on the horizon the old nightmare claim to “internal” self-government. The Percival ministry found it necessary to declare in 1810 that it was “wholly inconsistent with the nature of a colony and its necessary connexion with the mother country for a colonial executive to depend on a popular house.” So the history went on: ever-developing social groupings, ever-

POLITICAL THEORY

growing political aspirations brought up sharp and sudden before the stone wall of a political theory. Nor must we forget that the colonists knew what they wanted in spite of the all-too-sweeping assertions of modern historians to the contrary. M. de Rouville Pothier made the position clear to John J. Bigsby in the early decades of the nineteenth century: "We ask not to intermeddle in the imperial questions of peace and war or of treaty-making; but for an executive government responsible for all their acts to the people of the Canadas as represented in their senates and houses of Assembly." It is doubtless true that the position thus so clearly stated became obscured, as always happens when men attempt to apply logic or theory to human affairs, but the constitutional reformers in both Upper and Lower Canada never lost hold on the principle of government which they advocated not only as a cure for colonial ills but as a safeguard of empire, though like all sensible and practical men they might never have been able at any given moment to reconcile their principle with current political theory or to measure its full implications by any mechanical rule.

Unfortunately the destructive theory that sovereignty could not be divided persisted just as strongly as when the first empire was lost. The imperial cabinets and parliaments simply ruled out of discussion any idea of the possibility of

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reconciling colonial responsible government with the existence of an imperial cabinet and an imperial legislature. They were not pig-headed, they were not hard taskmasters, they were not wilful and perverse, cold-hearted and stubborn. They were men who believed as of faith—as in the Revolutionary War—that colonial autonomy and imperial sovereignty were incompatible, not because they refused to consider the problem, but because they were convinced that here were two ultimate political conceptions. To concede the former meant a denial of the latter—a latter which was so logical, so obvious, so indisputable in its obvious contents and implications that further debate was useless. In other words the imperial authorities, speaking and acting through the Colonial Office, honestly believed that their political philosophy was a kind of revelation, a confession of constitutional faith, before which colonial autonomy was heresy. The inevitable result followed in the Canadas as in the Thirteen Colonies—open and armed rebellions. As we see these foolhardy struggles in the perspective of history they take on a symptomatic and pathological colour. Rebellion is always the sign and symbol that somewhere in the scheme of things a doctrinaire theorist is hidden. The new wine of political youth refuses to be poured into the old bottles of past forms—there is always the explosion if there is any ferment worth while in the wine.

IMPERIALISM

Every schoolboy knows that Durham was sent to the Canadas to diagnose the political disease—for rebellion was a fairly serious method of drawing attention to an administrative problem, and after all empires could not be picked up every day and every where in the beginning of Victoria's reign. It is now a commonplace that Durham accepted Pothier's position—he even attempted an early disquisition on sovereignty itself. The pestilential theory, however, still survived strong as ever. In spite of Durham, even when Joseph Howe and Robert Baldwin had given his recommendations the dignity of practical realism and average common sense, the creed of sovereignty one and indivisible continued in Downing street with sinister evangelizing perversity. Lord John Russell, as we have seen, toiled with it and came forth from his ordeal convinced that outside it there was no imperial salvation. Prime minister after prime minister, colonial secretary after colonial secretary refused, with none of Russell's diligent fastings and prayers, to see that there was a problem at all—the imperial faith must be true, the imperial parliament must be sovereign, the imperial cabinet alone must administer that sovereignty in a responsible manner—he that believes otherwise let him be anathema.

In the Canadas the rebellions and the consequent refusal to act on Durham's Report produced an extraordinary situation. Those who had found in

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the local irresponsibility of the governor and in his independence of the provincial legislature a buttress for their own powers and privileges could point to the colony and say that rebellion was in the long run the inevitable issue from the dangerous doctrines which they had uniformly denounced. There was nothing but disloyalty in principles which led to such treasonable chaos. Men might call themselves "constitutional reformers," "loyal autonomists," "responsible government loyalists." Whatever the nomenclature men do not gather grapes of thorns or figs of thistles. As a consequence, a governor was expected to continue a responsible imperial official and to prove his own loyalty to the crown through the imperial cabinet by smiling graciously on those who had not only remained staunch in the rebellion but also had combined with that firmness the *sine qua non* of loyalty—that they were now, yesterday, and always loyal and had foretold with the insight with which their political principles endowed them that any attempts whether on paper or in fact to disturb the scheme of things were *per se* treasonable. On such reasonings, those who remained staunch in the rebellion, but combined with that firmness reforming tenets were to be condemned along with actual rebels. As for the French—they were an apostate race—always had been disloyal, always would be disloyal, and their future must be that of helots, of political slaves to the children

QUESTION OF IMPERIAL CONTROL

of loyalty's white light. When, then, the provinces were united in 1840, the position of the governor was still undefined, the principle of government was still unsettled, the French were under a grave cloud, the connexion with the empire was still endangered. Could a governor-general be allowed to take advice from a provincial assembly when rebellion lay so near at hand? Could the crown find an executive responsible council in a colony so crude, so ignorant, so inexperienced, so traditionless? Could any form of administrative authority be granted to a race that had proved itself unreliable, whose very conservatism was radical to the core? Could Canada remain within the empire if there were any relaxation in imperial control? From Downing Street came negative answers to all these questions.

Had they been asked in a spirit of realism, with "the eye on the object," the answers might not have been so categorical. A kind of scholastic dilemma, however, haunted the discussions; or rather the central difficulty, which included all the others, was raised to the dangerous position of being stated in the terms of the exact disjunctions of a perfectly logical choice. It is obvious that the negative answer to every question asked depended on the refusal of responsible government. That refusal was unfortunately at length laid down with such a subtlety of precision as to make Durham, Baldwin and Howe look foolish when they asked

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that the relationship to the governor-general of the executive council in Canada be modelled on that of the ministry to the crown in England. Lord John Russell inaugurated the Union of the Canadas, in his instructions to Poulett Thomson, Lord Sydenham, with a dangerous and barren piece of dialectical theory: "The power for which a minister is responsible in England is not his own power, but the power of the Crown of which he is for the time the organ. It is obvious that the executive councillor of a colony is in a situation wholly different. The governor under whom he serves receives his orders from the Crown of England; but can the colonial councillor be the adviser of the Crown of England? Evidently not, for the Crown has other advisers for the same functions and with superior authority. It may happen, therefore, that the governor receives at one and the same time instructions from the Queen and advice from his executive council totally at variance with each other. If he is to obey his instructions from England the parallel of constitutional responsibility entirely fails; if on the other hand he is to follow the advice of his Council, he is no longer a subordinate officer, but an independent sovereign." Russell indeed advised "a wise moderation" and expressed an opinion that practical wisdom counselled a general expression of the governor's intention to carry on the government according to "the well understood

RUSSELL'S NEUTRAL FORBEARANCE

wishes of the people." In the strictness of his logic, however, and in the subtlety of his instructions he deprived the governor of an opportunity of falling back on the best known British method of giving those wishes reality of application. His principle of "neutral forbearance" between the governor and assembly was, in the condition of the Canadas, little likely to take the place of the traditional British liason between the executive and legislative branches of government.

Up to the time of Elgin's arrival, over every inch of the constitutional ground the battle was refought. Sydenham laid down the emphatic rule: "I have told them plainly that as I cannot get rid of my responsibility to the home government, I will place no responsibility on the council, they are *a council* for the governor to consult but no more." Circumstances, however, combined to make his system of government adequate to guide the province over a transitional and grave period. He contributed, indeed, little to constitutional progress, and in his antagonism to Baldwin he only served to make the inevitable struggle more intense, while his suspicion of the French accentuated the complicated problem of their national solidarity and racial suspicion. Sir Charles Bagot, with phenomenal courage and in direct opposition to orders, threw Russell's logic to the winds and succeeded in uniting French and English by accepting a ministry supported in both sections

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of the province. Death perhaps alone saved him from some impasse with the Colonial Office, in which logic would have claimed another victim. We have already seen how Metcalfe kept the faith in strict obedience to Stanley's narrow creed, and we have traced the history of his régime, in which orthodoxy rigidly applied proved as barren of success in the political as it does in the religious sphere. The faith was in such a perilous state when Elgin arrived that, were he to refuse longer the grant of responsible government there lay before him the prospect either of a disruptive rebellion or of annexation apostasy.

Elgin's mind at once came into close grips with the situation. He forgot England, the colonial office as it were—one horn of the dilemma—and faced the obvious facts which lay before him. He saw, as Bagot had seen, that the French had been wilfully alienated. Why? He saw that Metcalfe's mutually exclusive categories of loyalty and treason had compelled him to class as revolutionaries the liberal-reformers, who commanded by far the widest support. Why? To these questions Grey fortunately replied with an official elasticity which in guarding the shell of theory conceded the kernel. Elgin did not ask to be allowed to concede responsible government. He took the broad statement of Grey's position as sufficient guarantee of freedom and he met political issues with the statesmanship of practical common sense.

HIS COMMON SENSE

When the first general election during his administration was fought, it was perfectly obvious that no orders had been issued from Downing Street to the colonists not to divide under party leaders or to vote for parties. Neither the colonial office nor Elgin could prevent the electors making a decision, if they wanted to, between MacNab and his candidates and Baldwin and LaFontaine and their candidates. When the province, by an emphatic expression of public opinion, placed the latter in control of the house of assembly, Elgin automatically asked the reform leaders to constitute his executive council. There was no hair-splitting logic. There was no new law. There was no change in the constitution. There was no attempt to define the system. Men simply woke up one morning to find that a problem, a concession, a demand, which had baffled the province and the home government for generations had been eliminated from discussion. Elgin had called in common sense, and it is common sense which in the long run resolves constitutional antimonies.

Almost more important still was Elgin's attitude of mind. He knew that Russell's obscure principle had been strongly emphasized by Grey. He was to govern according to the "well-understood wishes of the people." Accordingly he took the obvious way to give those wishes effect. To whispers of "rebel," to the *ipse dixit* of "loyalty" he turned a deaf ear. Personally he brought with him

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Durham's suspicion of the French and his own traditional dislike of new systems and untried reforms. Of certain things, however, he had full knowledge—a "rebel" was a rebel in word, in arms, in treasonable action, in propaganda, in prison or on the scaffold—and only then. "Loyalty," with Elgin at least, did not cry aloud on the house tops, did not protest too much, did not advertise, did not sweepingly condemn. He refused to believe that the vast majority of the people who had voted for Baldwin and LaFontaine were to be considered revolutionaries and that the "Compact" minority alone had claims to public virtue. If such an estimate were true, then in his opinion there ought to have been no necessity for any discussion—the colony ought to have been deprived of all forms of self-government, or allowed to go, or reconquered. Elgin was far too shrewd to be deceived by sweeping generalizations, especially in a civilization such as the Canadas possessed. He had a belief that pure black and pure white did not really exist in party categories. He had moreover a practical belief that, unless "that most delicate and debatable subject"—the principle of government—was finally lifted out of the arena of party platforms, civil war was once more possible. In asking Baldwin and LaFontaine to form a government he made the magnificent declaration, both by action and word, that for good or ill the principle of government was no longer a party

THE REFORMERS LOYAL

question. It was all done, too, at a singularly remarkable moment in history. "When," he wrote to Grey, "so many thrones were tottering and the allegiance of so many peoples was waxing faint there was less political disaffection in Canada than ever before." Of course, the tory party could not believe what they saw before their eyes. They could not imagine that their supremacy—that of a minority—was over. Elgin remained in Canada to see changes, but at the same time to dot the i's and stroke the t's of his experiment.

The Reformers proved loyal enough to the imperial connexion. These "revolutionaries" did not proclaim a republic, demand independence. They simply went on with the work of government, and the dismemberment of the empire was not in debate. Those, however, who made the empire their chief claim to office did not at once shew themselves in indubitable colours. Some of them supported annexation. Many of them publicly encouraged a general riot against constituted authority and personal assaults on the governor-general. The entire group, supported as Elgin was forced to confess by military officers holding the Queen's commission, "considered his ministers and himself as little better than rebels." It was quite an amusing situation, and in spite of its tragic reality and potential dangers Elgin enjoyed the humour of it in his own quiet way. He had his revenge. When public opinion changed and the

LORD ELGIN

reform ministries were defeated he sent for Sir Allan MacNab. "To the great astonishment of the public," declared Lawrence Oliphant, "Sir Allan, who had been one of his bitterest opponents, was sent for to form a ministry, Lord Elgin by this fact satisfactorily disproving the charges of having either personal or political partialities in the selection of his ministers." Elgin's attitude over the Rebellion Losses' Bill, over the University Bill, over the Clergy Reserves proved beyond doubt that, no matter what his personal feelings or even convictions were, he would not interfere with the principle of responsible government. His automatic unquestioning action in sending for MacNab—while it afforded him a quiet smile—was a providential vindication of that impartiality of the Crown on which that principle fundamentally rests.

Incidentally the settlement of the dispute over the source of executive authority brought with it other tremendous benefits. First of all the office of the governor-general was placed on a new footing. The governor was no longer a colonial office flunkey, a rubber-stamp for registering rescripts from Downing Street. More and more his influence became a moral one and as he receded into the constitutional background the dangerous antagonism between the colony and England died down. It would, of course, be a mistake to think that the office at once assumed the features which

HIS IMPERIAL FAITH

to-day have grown into customary law. This, however, may be said with confidence, that the beginnings made by Elgin lie behind all our modern developments. If Canada has enjoyed since Elgin's time comparative immunity from trouble between governors on the one hand and the cabinets and people on the other, it has been due largely to the fact that Elgin planted the seeds of this goodwill, the nucleus of this frictionless energy in the constitutional machine. Elgin declared that "the antiquated bureaucratic principle" for which the governor stood in the past could no longer be safely employed and that he must be content to be satisfied with "an influence of suasion, sympathy and moderation, which will soften the temper while it will elevate the aims of local politics." Elgin confessed that he "had tried both systems. In Jamaica there was no responsible government, but I had not half the power I have had in Canada with my constitutional and changing cabinet."

In addition, and more important still, the new functions of the governor meant in Elgin's eyes support for one of his "possessions," as he called them. We have throughout insisted on his profound imperial faith. When he came to the colony imperial faith was at its nadir and the colony's continued place under the British Crown was problematical. In England, as we have seen, there was no spirit of creative and pregnant conviction,

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and men talked as glibly of letting the colony go as of the most recent piece of social scandal. Few saw the problem as Elgin did in all the critical implications of its urgent reality; and in the intensity of his vision he made his confession of faith: "I have been possessed (I use the word advisedly for I fear that most persons in England still consider it a case of *possession*) with the idea that it is possible to maintain on this soil of North America, and in the face of republican America, British connexion and British institutions, if you give the latter freely and trustingly. Faith, when it is sincere is always catching; and I have imparted this faith more or less thoroughly to all Canadian Statesmen with whom I have been in official relationship since 1848 and to all intelligent Englishmen with whom I have come in contact since 1850. . . . Now if the governor ceases to possess this faith or to have the faculty of imparting it, I confess I fear that ere long it will become extinct in other breasts likewise."

With these firm convictions, Elgin formed a new conception of his office. The changed constitutional conditions did not mean for him the colourless life of a mere *roi fainéant*. The governor was to become a radiating centre of imperial faith. With every recession of the imperial cabinet and parliament from colonial affairs, Elgin aimed to make his office "in the most emphatic sense of the term the link which connects the mother

A LIBERAL COLONIAL REFORMER

country and the colony and his influence the means by which harmony of action between the local and imperial authorities may be preserved." Responsible government, the governor's neutrality and the British connexion were in Elgin's eyes all aspects of one problem. Let the one be conceded, the other established, the other deliberately sought, and all three would react and intermingle to promote imperial coherence. He saw that in the every-day colonial struggle behind the last two lay the first, and with it he began not as an end in itself but as the high road to solve debates over the position of the representative of the Crown, who once constitutionally defined was to become an integral and essential part in Elgin's scheme of liberal imperialism. He was a liberal colonial reformer in that practical sense of all true liberalism—to widen and to preserve a magnificent conservative conception. Perhaps we see Elgin at his best when we watch him at work on the principles of empire. Other men saw responsible government as an isolated thing, the office of governor as an issue in political theory or in constitutional law, the empire a vague idea with no clear content. Elgin's greatest political idea was the empire and he worked back from it to the other difficulties, from which in turn his transforming touch drove him back to the empire. His most fruitful contribution to constitutional and imperial progress lies in the fact that he was the

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first governor to see clearly, what Baldwin and Howe had seen long ago, that responsible government was a very condition of empire, and that he had the courage to give to his insight the actuality of concrete experiment. If Baldwin was the father of responsible government, Elgin was its prolific mother. From 1848, it became the Mecca of every self-governing colony's pilgrimage and prayer, because of Elgin's faith in its essential presence in local administration and its inherent skill in safeguarding the imperial system. The British Commonwealth of Nations was born when Baldwin and LaFontaine drove through the Rebellion Losses' Bill and when Elgin assented to it—a maker of Canada and a maker of Empire.

Finally in this connexion Elgin's dealings with French-Canadian nationalism were among his most constructive acts, for it is beyond controversy that the constitutional *entente cordiale* in the modern Dominion dates from his administration. He came, as we know, at a moment in history when nationalism was a dangerous and pestilent political scourge. Durham had lightly brushed aside the issues by forgetting the persistency of race and had believed that a process of anglicization slow and persistent was the only solution to the racial problem. Sydenham had in Bagot's words "carried on a quarrel with a race . . . towards them his conduct was very unwise. He made enemies of them unnecessarily at a time when he should have

A SOLID RACIAL BLOCK

propitiated them . . . he treated those who approached him with slight and rudeness, and thus he converted a proud and courageous people, which even their detractors acknowledge them to be, into personal and irreconcilable enemies." Metcalfe believed them to be unreliable and republican, and he was irritated beyond measure by their alliance under LaFontaine with the Anglo-Canadian reformers under Baldwin. Their political experience and the process of their constitutional development served, when checked by Metcalfe's arbitrary actions, to drive them back upon themselves and to accentuate their nationalist solidarity. To Elgin then on his arrival the strange sight presented itself of a British colony with the majority of its population organized as a solid racial block against British colonial methods. The situation assumed graver aspects when the nationalistic movements in Europe gave to their principles the courage of political adventures and of open challenges. With the gift of responsible government Elgin at least brought the races once more into contact when he entrusted the administration to Baldwin and to LaFontaine. The concession was not merely a constitutional one—it was a public recognition of the French and an acknowledgement that their political solidarity had done its political work and served its political function. He hoped that in process of time they would continue to work as a matter of

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course with their Anglo-Canadian fellows of similar parties. In assenting to the Rebellion Losses' Bill, he gave open proof that from a British governor who had recognized their political claims they would receive justice and fair dealings. Elgin too saw that the great virtue of French Canada was its liberal-conservative tone of mind. Baldwin and LaFontaine brought the races together and began the constitutional system based on French and British support. Elgin lived to see the day, which he felt would surely come, when French and moderate conservatives would join and lay the foundations of a great Canadian party—anchored on the one side on local responsible government and on the other on loyalty to the imperial system. Elgin could not undo history—that past which, when federation came, gave to it its most characteristic features owing to the permanence of French Canada; but he made it possible for racial solidarity to exist side by side with a willingness to work from time to time with various British political parties in the new Dominion. Bagot's great contribution to Canadian history was the discovery that, as he put it, "you cannot govern the country without the French." Among Elgin's many contributions was the discovery of how to govern with them.

It lies outside the function of scientific history to discuss historical probabilities if certain persons or events had been different. We confess that for

A WISE SELECTION

our own edification we strayed once at least in private from the straight path and in an idle moment made a survey of possible governors for Canada after Metcalfe's resignation. Canada needed a man with an understanding heart and a head not wooden but endowed with political wisdom, good sense, emotional sobriety, constructive realism and a moderating objectivity—a man who would never allow the dead hand of bureaucracy on the one hand or of past errors on the other to touch with numbing fingers the body politic—a man with faith in the colony, its people and its future—a man to make the great adventure in responsible government, believing that in glad surrender it would at length lead to that hearts' desire of all institutional purpose, domestic content—a man of strong racial feeling, which had itself been purged of its fissiparous vapours and was clothed with the right mind of community consciousness—a man to whom all were citizens of a British province and constructive members of a British empire. It is no reflexion on the diplomatic group of the day to say that no one was available among the well known and tried colonial servants of the Crown for the task, which was as difficult a one as could well be given to any administrator. When then a public servant as comparatively obscure as Elgin was selected, we can only ascribe it to a certain lucky chance, or we may believe in the divinity which sometimes watches over fools and

LORD ELGIN

empires. We do not mean to imply that Elgin was faultless, was always wise, was an heroic figure going forth in the invincible armour of omnicompetence to achieve an inevitable purpose—far from it. He brought, indeed, the qualities to the Canadian problem which were full of promise; but above all he brought the quality of refusing to allow either the provincial busybodies or the obscurantists of Downing Street to numb his sense of political values or to obscure his practical vision. His great virtue lay in the fact that possessing common sense, a grip on realities, judicial-mindedness, political practicability and a necessary appreciation of racial distinctions he allowed them to survive, or rather he allowed the problems with which he was faced to develop them. I believe, too, that he would have failed had he not been a profound believer in the empire, the honest gossamer of sound liberal imperialism. For many a day governor after governor, whatever his other failings, had grubbed in the political *pot-pourri* of Canadian provincialism. Elgin swung himself out to the widest concept of empire, and like some flock of pigeons seeking home, he reached the Canadas in ever narrowing circles of constructive achievement. There was not such great faith as his, no not in England. I like to think of him in Canadian history with Sir Charles Bagot—in imperial history with Lord Durham.

As this study has taken on its concluding form

THE NEHEMIAH OF CANADA

there has persistently come to my memory a wayside calvary in Brittany with the inscription: "I am doing a great work so that I cannot come down." Some rural mystic had taken Nehemiah's answer to those who would have diverted him from his constructive work on the ruined city of his fathers and had with penetrating wisdom linked them with the world's greatest redemptive act. When Elgin came to Canada men called him to "come down" from his high purpose and to live and act like the ordinary traditional British Governor. In England many went by shaking their heads and advised him to "come down" as salvation did not lie in principles of imperialism palpitating new from the calvary of any redeeming liberalism. Not once in his career did he lose faith in his colonial and imperial mission. To every doubting, jeering, or pitying challenge he answered with that conviction that saves: "I am doing a great work so that I cannot come down." Lord Elgin is the Nehemiah of Canadian history.

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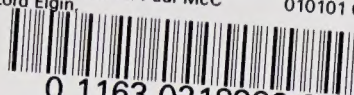
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